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Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997

Submitted by the Special Rapporteur

Summary

At its ninth session in 2009, the Permanent Forum appointed Mr. Lars-Anders Baer, member of the Permanent Forum, as Special Rapporteur to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997. The Rapporteur visited Bangladesh in September 2010 where he met with various Government officials, including the Minister for Foreign Affairs and the State Minister of the Ministry of Chittagong Hill Tracts Affairs. The Rapporteur would like to thank the Government of Bangladesh for extending its support for the study.

The present study assesses progress in the implementation of the major provisions of the Chittagong Hill Tracts Accord, which was signed on 2 December 1997 by the Government of Bangladesh and the indigenous political party, Parbatya Chattagram Jana Samhati Samiti, after 25 years of low-intensity guerrilla war waged in reaction to violations and suppression of the rights of indigenous peoples in that region of the country.

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I. Introduction

1. The Chittagong Hill Tracts is situated in southeastern Bangladesh and is home to 11 indigenous groups,[1] numbering approximately 500,000 people,[2] who differ markedly from the Bengali majority in language, culture, physical appearance, religion, dress, eating habits, architecture and farming methods. In 1976, the Shanti Bahinis the armed wing of the indigenous peoples' political party, Parbatya Chattagram Jana Samhati Samiti (PCJSS), initiated a low-intensity guerrilla war against the Government of Bangladesh in response to the erosion of their autonomy, the denial of constitutional recognition and their political, economic and social marginalization. In 1997, the Chittagong Hill Tracts Accord was signed between the Government of Bangladesh and PCJSS. The Accord recognizes the Chittagong Hill Tracts as a tribal inhabited region, acknowledges its traditional governance system and the role of its chiefs and provides building blocks for regional autonomy.

2. Thirteen years have passed since the signing of the Chittagong Hill Tracts Accord, yet many of its provisions remain unimplemented, or only partially implemented, including some critical clauses such as the settlement of land disputes, demilitarization and the devolution of authority to local institutions. The failure of successive Governments to fully implement the Accord has immense consequences for the indigenous peoples in the region, and it is therefore crucial that immediate and meaningful steps are taken to implement it, with the participation of the region's indigenous population.

3. As the model for an agreement that provides some form of indigenous autonomy, the Accord, including its implementation process, provides valuable lessons. The case of the Chittagong Hill Tracts is also important since it illustrates the challenges in implementing a peace treaty, and how delayed implementation can result in continued widespread human rights violations, violent conflicts and military control. For these reasons, at its ninth session, the Permanent Forum on Indigenous Issues appointed a Special Rapporteur, Mr. Lars-Anders Baer,[3] to prepare the present study, which is to be considered by the Forum at its tenth session.

4. The study presents the international framework dealing with indigenous peoples' rights and violent conflicts; the background for the signing of the Accord; an introduction to its main sections; the political commitment to its implementation; the status of implementation of its main provisions; an overall assessment of its

[1] Although the Chittagong Hill Tracts Accord uses the terms, *upajati* (literally sub-nation or sub-ethnic group) rather than "indigenous peoples", the present report uses "indigenous peoples" as this, and its Bengali equivalent, *adibashi*, is being increasingly used by indigenous peoples themselves and by the Government of Bangladesh, along with a large section of Bengali citizens and the media. It should also be noted that the term indigenous/adibashi has been used in a number of laws, enactments and programmes, including the Chittagong Hill Tracts Regulation of 1900, the Finance Act of 2010, the Small Ethnic Groups Cultural Institutes Act of 2010 and the poverty reduction strategy paper of 2010. The 11 indigenous groups are: Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, Pangkhua, Tanchangya and Tripura. A small number of migrants of indigenous origin (including Santal, Ahomia and Nepali-Gurkha) have also made the region their home since the British period (1860-1947) but their status as indigenous peoples is not recognized by law.

[2] Based on the 1991 census.

[3] The Rapporteur is also a member of the International Chittagong Hill Tracts Commission (http://www.chtcommission.org/).

implementation to date, including the effects on the situation in the region; and recommendations to relevant stakeholders.

II. Background to the signing of the Chittagong Hill Tracts Accord

5. Prior to British rule, the Chittagong Hill Tracts was governed by comparatively non-formalized self-governance systems, which were considered to be independent. British influence over the region took place in a gradual manner, and during the period of British influence, the area had the special status of an autonomously administered region, safeguarded by the Chittagong Hill Tracts Regulation of 1900, which, inter alia, strictly controlled the entry and residence of non-hill people and barred the sale and transfer of land to non-indigenous peoples.[4] During the British colonial period and during the early years of Pakistani rule, the Chittagong Hill Tracts was recognized as a specially administered area[5] under several constitutional dispensations, including the Government of India Act of 1919, the Government of India Act of 1935 and the constitutions of Pakistan of 1956 and 1962. In 1963, however, a constitutional amendment eliminated the special status and immigration restrictions. After Bangladesh became independent from Pakistan in 1971, the elements of indigenous peoples for regional autonomy and the restoration of the special constitutional safeguards were rejected when the first constitution of Bangladesh was adopted in 1972.

6. The rejection of constitutional recognition and many years of political, economic and social marginalization led the Shanti Bahini, the armed wing of the Parbatya Chattagram Jana Samhati Samiti, the indigenous political party, to initiate a low-intensity guerrilla war against the Government of Bangladesh in the early 1970s. The war intensified after 1975, when the founding leader, Bangabandhu Sheikh Mujibur Rahman, was assassinated by military personnel and a military regime took power in a coup d'état. As a counter-insurgency measure, a Government transmigration programme, carried out between 1979 and 1984, brought an estimated 400,000 Bengali settlers into the Chittagong Hill Tracts, an area which already had a scarcity of land following the construction of the Kaptai dam. The Kaptai dam, completed in 1963, inundated 40 per cent of the arable land in the region and displaced more than 100,000 indigenous peoples, many of whom took permanent refuge in India.

7. The transmigration programme drastically altered the demographic composition of the Chittagong Hill Tracts; the percentage of Bengalis in the region rose from 26 per cent in 1974 to 41 per cent in 1981 (in 1951 the Bengalis had accounted for only nine per cent of the population). In addition, Bengalis illegally occupied the lands of the indigenous peoples on a large scale. The indigenous population was forcefully relocated to "model villages" and the Bengalis who could not be accommodated on the land that the relocated or fleeing indigenous peoples left behind were settled in "cluster villages", usually next to a military camp where they served as a protective shield for the military. The forced relocation and illegal occupation of the lands of the indigenous peoples further escalated the conflict and

[4] The Chittagong Hill Tracts Regulation of 1900, which, after numerous amendments, remains in law today, forms the basis of the special legal and administrative system of the region.

[5] Referred to as "backward tract", "excluded area" or "tribal area".

this issue became one of the main sources of conflict between the indigenous peoples and Bengali settlers and the army.[6]

8. Successive Governments tried to solve this inherently political and ethnic problem through military means, and the Chittagong Hill Tracts became heavily militarized within a short period of time. It has been estimated that there were more than 500 army camps throughout the Chittagong Hill Tracts. In 1980, an estimated 30,000 regular and paramilitary troops were stationed in the region and the number of police stations doubled in the four years from 1976 to 1980.

9. In the wake of the insurgency and the ensuing militarization, there were widespread and systematic violations of the human rights of the indigenous inhabitants in the region, mainly perpetrated by Bangladesh security forces, including unlawful killings, detention without trial, torture, rape, destruction of houses and property and forcible occupation of their ancestral lands.[7] During the period of the insurgency, approximately 70,000 indigenous peoples fled to India and around 100,000 indigenous peoples became internally displaced.

10. This partly civil, partly military conflict continued up to the 1990s, and it was not until 1997 that the civil war formally ended with the signing of the Chittagong Hill Tracts Accord between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti on 2 December 1997. While the Accord was hailed by many as an historic agreement, a section of the indigenous population rejected it, arguing that the aspirations of the indigenous peoples, including the demand for full autonomy, had not been fulfilled. This group later formed the United People's Democratic Front, and a deep split in the indigenous movement was created. The then opposition party, the Bangladesh Nationalist Party (BNP), also rejected the Accord, arguing that it was a sell-out on the part of the Government to the rebels.

III. International framework

A. United Nations Declaration on the Rights of Indigenous Peoples

11. The peaceful resolution of conflicts is of vital importance in the process of protecting the rights of indigenous peoples. The preamble of the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly on 12 September 2007,[8] gives both a background to the past, present and emerging conflicts between indigenous peoples and States as well as directions on how such conflicts might be resolved. The Declaration contains articles of particular relevance to the Chittagong Hill Tracts Accord, thus providing a normative framework for its implementation. The effective participation of indigenous peoples is essential to the implementation of such agreements, including their engagement in the planning and formulation of plans, policies and laws.

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[6] Jenneke Arens and Kirti Nishan Chakma, "Indigenous Struggle in the Chittagong Hill Tracts", in *Between Ashes and Hope: Chittagong Hill Tracts in the Blind Spot of Bangladesh Nationalism*, Naeem Mohaiemen, ed., Drishtipat Writers' Collective (Dhaka, 2010).

[7] See Amnesty International, http://amnesty.name/fr/library/asset.

[8] Bangladesh abstained from the voting on the adoption of the Declaration in the General Assembly in September 2007, but in August 2009, on the International Day of the World's Indigenous People, the Prime Minister of Bangladesh publicly stated the Government's support of the Declaration and asked for the support of all stakeholders in its implementation.

B. International Labour Organization Convention No. 107

12. Bangladesh has ratified several international human rights treaties, including the International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957 (Convention No. 107), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

13. ILO Convention No. 107 remains a useful instrument, covering many areas that are of key importance to indigenous peoples. It should be mentioned, however, that although Bangladesh remains party to Convention No. 107, the provisions of ILO Convention No. 169 (the Indigenous and Tribal Peoples Convention) are also relevant to the situation in Bangladesh because of their inspirational value and because the Committee of Experts, which monitors the implementation of both Conventions No. 107 and 169, follows the progressive spirit of Convention No. 169 and rejects the integrationist orientation of Convention No. 107.[9]

C. Issues relating to the peaceful resolution of conflicts

14. Indigenous peoples often find themselves involved in conflicts with the dominant society, most often as a result of the loss of their lands, territories and resources or the deprivation of their civil, political, cultural, social and economic rights.[10]

15. As indigenous issues gained prominence in the United Nations system, the need for an international forum for conflict and dispute resolution for issues between indigenous peoples and States has become more critical. In December 2000, the Tebtebba Foundation, an indigenous organization based in the Philippines, convened the International Conference on Conflict Resolution, Peacebuilding, Sustainable Development and Indigenous Peoples. The outcome document, referred to as the Manila Declaration, contains detailed recommendations for peacebuilding, technical assistance, training in mediation and other approaches to conflict and recognizes the critical role that women play in peacebuilding in their communities. To date, those recommendations have not been implemented and there continues to be a need for conflict resolution mechanisms in the United Nations and at the national level.[10]

D. Violence and militarism

16. A recurring issue raised by indigenous peoples in United Nations forums has been the use of militarism to gain control over natural resources, including land, minerals and oil, without restitution or compensation. In nearly every region of the world where conflicts occur, indigenous peoples are being severely affected by violence and militarism. Militarism in indigenous territories presents a direct threat

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[9] See Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107) and the Laws of Bangladesh: A Comparative Review*, International Labour Organization (Geneva, 2009).

[10] See Department of Economic and Social Affairs, *State of the World's Indigenous Peoples*, United Nations (New York, 2009).

to the lifestyle and survival of indigenous peoples and has significant effects on their communities. Militarism includes not only armed conflict but also rape, sexual harassment and violence, which are often employed by armed forces as a strategy to target women.

17. Another tactic employed by armed forces occupying indigenous territories is the destruction of the social fabric of indigenous communities through the assassination of the traditional authorities: deprived of leadership, the community is vulnerable to manipulation. Displacement is often another result of intensified military activity in indigenous territories. Displaced communities are left without food, shelter or protection and are often forced to migrate to cities or other areas.[10]

IV. Chittagong Hill Tracts Accord

18. The Chittagong Hill Tracts Accord contains four main parts:

(a) Part A, under the heading "General", recognizes the Chittagong Hill Tracts as a tribal inhabited region. It deals with commitments to pass legislation and sets out details of the composition of a committee to oversee the implementation of the Accord;

(b) Part B, entitled "Chittagong Hill Tracts Local Government Council/Hill District Council", details proposed legal amendments to strengthen the existing powers of the district councils and to extend their jurisdiction to include new subjects;

(c) Part C, entitled "Chittagong Hill Tracts Regional Council", lays down the composition of a new unit of regional authority to be constituted as a regional council incorporating the three districts of the area. In the case of both the regional and the district councils, the chairperson and two thirds of the seats are to be reserved for indigenous peoples;

(d) Part D, entitled "Rehabilitation, General amnesty and other matters", addresses a wide range of issues, including the rehabilitation of international refugees, internally displaced persons and indigenous fighters, and the granting of amnesty to the guerrillas and other people involved in the armed struggle. The issue of land and settlement of land disputes is mentioned both in part D and part B.

19. It is important to note that no time frame was developed for the implementation of the various provisions of the Accord and that no independent body overseeing its implementation was agreed upon.[11] The fact that the Accord is not protected by constitutional safeguards is also significant. This means, inter alia, that any Government disagreeing with the devolution of powers to the Chittagong Hill Tracts could, in theory, initiate legislation that has the effect of revoking the Accord or at least of diluting its provisions.

[11] In the case of the dismantling of military camps, a time schedule was to have been agreed upon, but this provision has been ignored.

V. Political commitment to the implementation of the Chittagong Hill Tracts Accord

20. After signing the Chittagong Hill Tracts Accord in 1997, the Awami League political party remained in power for four years, during which time some initiatives were taken to implement a few of the provisions. With its opposition to the Accord, the coalition led by the BNP (2001 to 2006) was more inclined to solve the problems in the region by military means. During this time human rights violations against indigenous peoples in the region were frequently reported. This situation continued during the state of emergency (2007-2008), although a few positive steps were taken, including holding a number of meetings of the different committees related to the implementation of the Accord.[12]

21. The current "Grand Alliance" Government, led by the Awami League, swept to power in a landslide election victory in late 2008 based on an election manifesto stating that:

> The 1997 Chittagong Hill Tracts Peace Accord will be fully implemented. More efforts will be directed toward the development of underdeveloped tribal areas, and special programmes on priority basis will be taken to secure their rights and to preserve their language, literature, culture and unique lifestyles.[13]

22. This pledge has been repeated in various national and international forums, including during the universal periodic review of Bangladesh conducted by the United Nations Human Rights Council in 2009.[14]

VI. Status of implementation of the main provisions of the Chittagong Hill Tracts Accord

23. Owing to limited space, it is not possible to provide a detailed account of the status of implementation of each provision of the Accord in the present study. A brief assessment of the extent to which some of the main provisions of the Accord have been implemented is provided below.

A. Tribal inhabited region

24. The need to preserve the characteristics of the Chittagong Hill Tracts as a tribal inhabited region is recognized in part A of the Accord. With the passage of legislative measures, such as the Chittagong Hill Tracts Regional Council Act and the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001, and the continuing role of the traditional chiefs and headmen in the administration of the region, some steps have been taken to safeguard the special characteristics of the

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[12] Ishtiaq Jamil and Pranab Kumar Panday, *The Elusive Peace Accord in the Chittagong Hill Tracts of Bangladesh and the Plight of the Indigenous People*, Commonwealth & Comparative Politics, vol. 46, No. 4, 2008.

[13] See http://www.albd.org/autoalbd/index.php?option=com_content&task=view&id=367&Itemid=1.

[14] A/HRC/11/18/Add.1.

area.[15] However, the continued migration of non-indigenous peoples from the plains into the region, the alienation of indigenous peoples' ancestral lands, the issuance of permanent residence certificates to Bengali settlers, the inclusion of Bengali settlers in the voter list and other developments clearly show that protecting the characteristics of the area as a tribal inhabited region has not been a genuine concern of the successive Governments. According to PCJSS there was an informal understanding between the Government and the party's negotiators that the settlers would eventually be relocated voluntarily. This never happened and the offer of the European Union to sponsor such a relocation process was turned down.

B. Legislation

25. The Chittagong Hill Tracts Accord refers to several measures on substantive legislation in the region, including the enactment of new laws and the amendment of existing laws, regulations and practices to comply with the Accord on the basis of advice and recommendations of the Chittagong Hill Tracts Regional Council. In line with this provision of the Accord, the Government passed the Chittagong Hill Tracts Regional Council Act of 1998, the Hill District Council (amendment) Act of 1998, the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001 and the Chittagong Hill Tracts Regulation (amendment) Act of 2003. Although the process of legislation to advance the peace process is far from being realized, a number of laws have been passed. In comparison, however, the process of framing of rules and regulations has been stymied, including the regulations of the Chittagong Hill Tracts Regional Council.[15]

C. Accord Implementation Committee

26. The Accord stipulates that an implementation committee should be constituted with a mandate to monitor the implementation process. The members of the Committee are nominated by the Prime Minister, the Chairperson of the Task Force on Rehabilitation of Returnee Refugees and Internally Displaced Persons and the President of PCJSS. The Committee was first constituted in 1998 but its existence was not maintained after the BNP party came to power in 2001. The Committee, reconstituted by the current Government in May 2009, has held only a few meetings since that time.

D. Hill District Local Government Council/Hill District Council

27. The Hill District Council Acts of 1989 (Acts XIX, XX and XXI of 1989) established three identically empowered Councils at the district level, reserving two thirds of their seats and the office of the chairperson for tribals. The Councils were provided limited authority over 21 areas of jurisdiction, including primary education, health facilities, local police and approval over transfers of land.

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[15] Raja Devasish Roy, "Implementation Status of the Chittagong Hill Tracts Accord of 1997", in *The Chittagong Hill Tracts: The Road to a Lasting Peace*, Victoria Tauli Corpuz et al. (eds.); Tebtebba Foundation (the Philippines, 2000).

28. The Hill District Council Acts were amended in 1998, in accordance with the provisions of the Accord, whereby the councils were provided more authority and autonomy than before through an increase in the number of subjects transferred to their authority, from 21 to 68 subjects in 33 areas of jurisdiction, and the enhancement of their authority over land administration, local police, forests, secondary education, budgets and other matters. Prior to the signing of the Accord, 15 subjects in 10 areas of jurisdiction were transferred to the Hill District Councils; only another 5 subjects in 3 areas have been transferred since 1998.[16] Clearly, many crucial matters have yet to come under the authority of the Councils.

29. The members of the Hill District Councils are to be elected by tribal and non-tribal permanent residents of the concerned districts. However, apart from the first and rather controversial election in 1989,[17] the Councils, until now, have been administered by Government appointees and no election has been held since the signing of the Accord. One of the issues in relation to the Hill District Council elections is the voter list. The Accord stipulates the preparation of a voter list comprising only the permanent residents of the three hill districts, that is, individuals having a specific address and legally valid ownership of land in the region. A voter list prepared prior to the 2001 parliamentary election, which included non-permanent Bengali settlers, was therefore rejected by PCJSS. Another matter is the issue of "permanent residents". Given that a large percentage of the Government-sponsored Bengali settlers of the region have land-record documents, and given the question of whether many of the titles held by the settlers are valid in the first place, there are fears that many Bengali settlers will once again be included if a new voter list is prepared. The issue of the voter list thus remains unresolved.

30. In addition, it is important to ensure that the relatively few voters from the smaller ethnic groups actually have a say in electing their candidates. In July 2010, the Government announced that it would conduct elections to the Hill District Councils and the Regional Council following the final decision of a court case on the unconstitutionality of the Chittagong Hill Tracts Regional Council Act of 1998 (see para. 32 below), taking into consideration a proposal under which voters would only vote for candidates from their own ethnic groups.[18]

E. Chittagong Hill Tracts Regional Council

31. The Accord provides for the establishment of a regional council. As in the case of the Hill District Councils, the office of the Chairperson and two thirds of its members are reserved for tribals. The members of the Council are to be indirectly elected by the members of the three Hill District Councils but since no elections for the Councils have been held, the current members are all Government appointees. The Chittagong Hill Tracts Regional Council has supervisory and coordinating authority over matters such as development activities, general administration, the Hill District Councils, local government councils, the Chittagong Hill Tracts Development Board and customary law and social justice. In addition, the Regional

[16] PCJSS, "The status of the Chittagong Hill Tracts Accord and the latest situation in the Chittagong Hill Tracts", 16 February 2009 (unpublished).

[17] See Chittagong Hill Tracts Commission, "Life is Not Ours": Land and Human Rights in the Chittagong Hill Tracts: Bangladesh (The Netherlands, 1991).

[18] *The Daily Jugantor*, Dhaka, 5 July 2010.

Council has the prerogative to advise the Government on legislation concerning the region. In practice, however, the Regional Council has not been able to play its role effectively.[19]

32. On 13 April 2010, the High Court of Bangladesh declared the Chittagong Hill Tracts Regional Council Act of 1998 unconstitutional and illegal in that it violated the sanctity of a unitary state. In its judgement, the High Court also declared a few sections of the three amended Hill District Council Acts of 1998 illegal and unconstitutional following the submission of a writ petition filed in 2000.[20] This includes the section that says that Bengali settlers have to obtain permanent residency certificates from the relevant traditional indigenous chief in the region, as well as the section that states that a non-indigenous person cannot vote in Council elections without having access to validly titled land and the provisions allowing reservation of class III and class IV positions in the Councils for indigenous peoples. The Government appealed the decision and the judgement was stayed by the Appellate Division of the Supreme Court pending hearing of the appeal.

F. Land

33. Land is widely recognized as the most critical issue in the Chittagong Hill Tracts where indigenous peoples have lost and are continuing to lose their ancestral lands at an alarming rate as a consequence of forceful eviction from and expropriation of their lands through development projects and occupation by the military. To address land-related problems, the Accord provides, inter alia, for the establishment of a Land Commission with a mandate to settle land disputes, including the authority to cancel leases of lands given to non-tribal and non-local people.

34. The first Chairperson of the Land Commission was appointed in 1999 but, in effect, the Commission remained inactive until July 2009 when its current Chairperson was appointed. In addition to disposing of land disputes by taking into account customary laws and local traditions and procedures, the Commission has the authority to annul the rights of ownership of lands that were granted illegally. The work of the Commission is guided by the Accord as well as the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001. A number of provisions of the Act are contrary to the Accord, however, and not long after the Act was passed the Regional Council submitted a list of proposed amendments to the Government, including to the near-veto powers of the Commission's Chairperson and to address uncertainties regarding the extent of jurisdiction of the Commission over forest land and seasonally cultivable plough lands known as fringelands.[9] The issue of amendment of the Land Commission Act has been one of the factors hindering the proper functioning of the Commission; indigenous members have agreed not to start work until the discrepancies between the Act and the provisions of the Accord have been removed through legal amendments.

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[19] PCJSS, Report on the Implementation of the Chittagong Hill Tracts Accord (Rangamati, 2004); Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107) and the Laws of Bangladesh: A Comparative Review*, ILO (Geneva, 2009).

[20] The High Court, however, rejected another writ petition, filed in 2007, which also declared the Accord illegal.

35. The work of the Land Commission's recent decisions, which were announced by the Chairperson without the consent of the Commission's indigenous members, have generated substantial criticism from indigenous peoples in the region and from civil society organizations. Firstly it was announced that a cadastral survey would be carried out in the region before the land disputes are settled. The announcement created apprehension that those currently occupying indigenous peoples' lands illegally would be recorded as the possessors and eventually as titled owners, while the displaced individuals and communities would be excluded from the survey records. After months of protests against the decision, the Government announced that the survey had been called off and that land ownership would be determined before a survey is conducted.

36. The Land Commission also made a call for the submission of complaints by affected parties, without obtaining the consent of the indigenous members of the Commission regarding the process for the hearing of such complaints. This has resulted in the submission of claims, mostly by Bengali settlers, who are typically occupying indigenous peoples' lands. Indigenous peoples and their major social and political organizations boycotted this controversial procedure. The Commission subsequently issued notices to indigenous peoples requesting their appearance before it; those failing to appear would risk having their cases be decided in their absence. As a result, there is grave misapprehension about large-scale loss of land rights of the indigenous peoples through this so-called legal mechanism.[21]

37. Regarding the cancellation of leases for rubber and other commercial plantations to non-tribal and non-local people, in cases where the lands have not been properly utilized for over 10 years, in July 2009 a parliamentary committee on affairs in the region recommended that the concerned leases be cancelled, including for over 45,000 acres of land in the three hill districts. By August 2009, leases of 8,175 acres of land had reportedly been cancelled while leases of another 15,000 acres are known to be awaiting immediate cancellation.[22] Many indigenous people feel that these reports are not based on fact, and that only a very few leases have actually been cancelled. In a few cases, some of the land has allegedly been leased out again rather than given back to its original owner.

38. A critical but highly sensitive issue in relation to the restitution of indigenous peoples' land in accordance with the provisions and intentions of the Accord and its preamble about safeguarding the special characteristics of the area as a tribal inhabited region is the voluntary relocation of Bengali settlers to areas outside the Chittagong Hill Tracts. Several suggestions for a relocation process that would protect the dignity of the settlers and facilitate their proper rehabilitation have been made[23] but there appears to be no visible initiative by the successive Governments to start such a process. In the past, the European Parliament is known to have offered its support for such a relocation.[17]

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[21] Chittagong Hill Tracts Commission, *Memo to the Prime Minister on the Baghaihat/Khagrachari Incidents and Activities of the Land Commission* (2010).

[22] http://www.thedailystar.net/newDesign/latest_news.php?nid=18725.

[23] See Shapan Adnan, *Migration, Land Alienation and Ethnic Conflict: Causes of Poverty in the Chittagong Hill Tracts of Bangladesh*, Dhaka, Research and Advisory Services (2004); Chittagong Hill Tracts Commission, *The Chittagong Hill Tracts Commission concludes second mission, press release, February 2009*.

G. Demilitarization

39. The Accord stipulates that all temporary army camps, the Ansars (paramilitary forces) and the Village Defence Party, except the Bangladesh Rifles,[24] and six specified permanent army establishments or cantonments would be withdrawn in phases from the region to permanent cantonments and that a time limit would be fixed for this process. With the majority of human rights violations committed against indigenous peoples in the region being attributed to the extensive presence of security forces, and considering the military's influence on civil administration and development activities in the area, this provision is seen as crucial for re-establishing normalcy in the Chittagong Hill Tracts.

40. The PCJSS party estimates that the number of military camps withdrawn to date is around 74, out of more than 500 (temporary) military camps;[25] according to the Government, 200 camps[26] have so far been withdrawn in phases since the Accord was signed. It should be noted that the Government has failed to provide a list of the dismantled camps, despite several requests from PCJSS. The most recent dismantling of military camps took place in mid-2009 when 35 camps were closed down. Allegedly, however, some of these camps have been re-established or replaced by other armed forces. It should be noted that no time limit for the withdrawal of military camps has ever been announced.

H. Repatriation and rehabilitation of refugees and internally displaced persons

41. The Accord provides for both the repatriation and rehabilitation of the nearly 70,000 indigenous peoples who fled to the Indian state of Tripura during the insurgency period and the rehabilitation of over 100,000 internally displaced persons who were rendered homeless and destitute by the counter-insurgency operations, including transmigration and forced evictions.

42. In the case of the international refugees, the last repatriation exercise started in 1994 when the Government and indigenous refugee leaders signed a 16-point package agreement followed by a 20-point package agreement in 1997, which outlines the benefit package offered by the Government of Bangladesh to the tribal returnees from India.[27] The Accord provides for the continuation of the repatriation and rehabilitation of the refugees. The Task Force on Rehabilitation of Returnee Refugees and Internally Displaced Persons was expected to expedite the rehabilitation process; all the international refugees have now returned to the region. Most of the economic facilities stated in the 20-point package agreement, such as food rations and money for house-building materials and livestock, were provided to the refugees. However, about 9,700 families were unable to regain at least part of

[24] The Bangladesh Rifles, border security forces, were reconstituted as the Border Guard Bangladesh on 23 January 2011.

[25] See PCJSS, Report on the Implementation of the Chittagong Hill Tracts Accord (Rangamati, 2004); PCJSS, Report on Present Status of Implementation of the Chittagong Hill Tracts Accord and Overall Situation in the Chittagong Hill Tracts (February 2010, unpublished).

[26] http://www.thedailystar.net/newDesign/news-details.php?nid=100422.

[27] There were other groups of tribal returnees before that date, including the few thousand who returned from Mizoram state in 1983-1984 based on oral understandings but without written agreements.

their original homes and lands as these had been occupied by Bengali settlers or the military; these refugees have become dependent on food rations from the Government. A number of other clauses in the agreement have also not been fully implemented, including providing loan exemptions, returning Government jobs to civil servants and shifting schools and markets to their original location.[28]

43. While the repatriation and rehabilitation of the international refugees has been largely, but not fully, carried out, no practical steps have been taken to rehabilitate the internally displaced persons. One of the major obstacles to their rehabilitation is disagreement over who qualifies as an internally displaced person. In 2000, the Task Force on Refugees and Internally Displaced Persons compiled a list, identifying 90,208 indigenous families and 38,156 Bengali families as internally displaced families and recommending a package programme to resolve the situation. The inclusion of Bengali settlers who were brought into the region under the transmigration programme carried out between 1979 and 1984 in the list was denounced by PCJSS and the Jumma Refugees Welfare Association, which boycotted subsequent meetings of the Task Force. According to PCJSS, the Task Force unanimously decided, at a meeting in 1998, that only tribal people would be considered as internally displaced persons.[29] In 2009, the Task Force was reconstituted but the definition of an internally displaced person is still unresolved and, consequently, this clause of the Accord remains substantially unimplemented.

I. Ministry of Chittagong Hill Tracts Affairs

44. In order to deal with all major administrative and developmental matters related to the Chittagong Hill Tracts, the establishment of a separate ministry for regional affairs, headed by an indigenous person and advised by an advisory committee, was included in the Accord, and the Ministry was formally established in 1998. An indigenous member of Parliament was appointed as Minister with cabinet rank and the Advisory Committee was formed.[30] However, in the successive Governments since that time, the direct responsibility of the Ministry has been kept under the control of the Prime Minister and almost all officers in the Ministry are non-indigenous persons. The indigenous ministers for Chittagong Hill Tracts affairs have since had the status of a Deputy Minister or Minister of State, but have not, until recently, been assigned the rank of full cabinet minister. Furthermore, there have been incidents where the Ministry does not seem to be working in the interest of the indigenous population of the region. In January 2010, for example, the Ministry issued a controversial letter to the different Government authorities in the region directing them not to use the word "adibashi" but rather "upajati".[1]

[28] PCJSS, Report on the Implementation of the Chittagong Hill Tracts Accord (Rangamati, 2004).

[29] PCJSS, Report on Present Status of Implementation of the Chittagong Hill Tracts Accord and Overall Situation in the Chittagong Hill Tracts (February 2010, unpublished).

[30] There was no advisory committee during the tenure of the BNP-led Government (2001-2006).

VII. Assessment of the implementation status of the Chittagong Hill Tracts Accord and the effects on the situation in the region

45. Thirteen years after the signing of the Accord it is clear that many critical clauses remain unimplemented or only partially addressed, particularly those aimed at activating and empowering the civil administration, including the indigenous-majority councils and the traditional administration of the chiefs (rajas), headmen and *karbaries*, resolving land disputes and restituting to the indigenous peoples their illegally occupied lands. Hence, there is still a long way to go before the intention of the Accord, that is the establishment of a regional system of self-government and the preservation of the area as a "tribal inhabited region", is achieved. Renewed expectations for substantive progress in the implementation of the Accord were raised when the current Government came to power with an election manifesto pledging to fully implement the Accord within its tenure, which ends in 2013. However, despite national and international obligations as well as continued assurances about the Government's intentions, most of the crucial provisions of the Accord have still not been properly implemented.

46. The reason for non-implementation of the Accord reaches beyond the political party now running the Government. The region remains heavily militarized and there have been continued and consistent allegations that the army is interfering in civilian affairs in the region. "Operation Uttoron" (upliftment), allegedly a counter-insurgency programme, gives concentrated powers to military officials, although no insurgency has been recorded in the area since the ceasefires of the early 1990s. In the current political, social and economic setting of Bangladesh, the army is one of the most powerful institutions, often beyond public criticism or scrutiny, including by the Supreme Court of Bangladesh. Needless to say, with its pervasive power and influence over Bangladeshi society in general and the Chittagong Hill Tracts in particular, the army continues to oppose any substantive progress on the implementation of the Accord.

47. Bangladesh is a fractured country in many respects. There seems to be hardly any unanimity among the major political parties. The BNP party has been critical of the Accord from the very beginning and has never hesitated to use the subject of the Chittagong Hill Tracts to reap electoral benefits nationally. Given the potentially adverse electoral outcomes, and with little or no support from the main opposition party, the Awami League has little incentive to push for the Accord's implementation. In addition, Bangladesh is a heavily centralized State, with most of the key decisions being dictated by Dhaka. This puts the bureaucracy in a particularly difficult position vis-à-vis its ability to influence the Government's decision-making and policy implementation processes.

48. The lack of substantial progress is leading to an increasing sense of frustration and disillusionment among the indigenous peoples in the region. Adding fuel to the dwindling faith in the Government's sincere intent or political ability to fully implement the Accord are developments and initiatives that violate or go against the spirit of the Accord.

49. Other types of gross human rights violations, committed primarily against the indigenous population, also continue to be reported and seem to demonstrate a consistent pattern of human rights violations in the region. Violations include

arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment. In most cases such violations are carried out with impunity.[31] Escalating communal tensions and incidents of violence between the indigenous peoples and settler community in the region give further cause for concern. A recent incident of intercommunal violence in February 2010 in Baghaihat and Khagrachari resulted in the burning down of nearly 500 homesteads, most of which belonged to indigenous peoples, and the killing of at least three individuals. Strong allegations of the direct involvement of army personnel in the attacks on indigenous peoples' homes have been put forward.[32] Despite consistent national and international pressure on the Government to initiate an independent and impartial inquiry, no such process has been instituted to date.

50. Although it is difficult to verify the exact number of troops currently deployed in the Chittagong Hill Tracts, military officials attest to the fact that one third of the army is deployed in the region, an area which accounts for one tenth of the total territory of the country. This is an excessive amount, by any standard, especially in a country that is not participating in a war, is at peace with its neighbours and has no prevailing insurgency situation.

51. Internal conflicts within regional indigenous political groups and between indigenous peoples and Bengali settlers have become a pretext for the continued military stronghold on the region and the delayed implementation of the Accord. Hence, rather than a diminishing of the powers of the military in the region in accordance with the Accord through the full activation and devolution of powers to the local civil administration and region-specific institutions, as well as the removal of all temporary military camps, there has been a further strengthening of the control of the military. This includes the retention of "Operation Uttoron", which is an executive order conferring rights on the military to intervene in civil matters beyond their proper jurisdiction. Furthermore, adding to the concern over strengthened military control, there is a continued role of the military in development activities such as road-building and the distribution of food rations under the so-called pacification programme as well as a recent unofficial proposal from the Armed Forces Division of the Prime Minister's office to establish a strategic management forum. The forum would have a significant presence of military and intelligence officials[33] and its major responsibilities would be to formulate integrated initiatives, policymaking decisions and an action plan for all issues related to the Chittagong Hill Tracts.[18]

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[31] See Kapaeeng Foundation, *Human Rights Report 2007-2008 on Indigenous Peoples in Bangladesh* (Dhaka, 2009); International Work Group for Indigenous Affairs, *The Indigenous World 2010* (Copenhagen, 2010).

[32] See Chittagong Hill Tracts Commission, Memo to the Prime Minister on the Baghaihat/Khagrachari incidents and activities of the Land Commission (2010); Amnesty International, Bangladesh: Investigate army's alleged involvement in human rights abuses in Chittagong Hill Tracts, press release (February 2010).

[33] It has been proposed to include representatives from the Armed Forces Division, National Security Intelligence, the Directorate General of Forces Intelligence and Army Headquarters as well as high-ranking representatives of the 24 Infantry Division, Bangladesh Army, stationed in the greater Chittagong area in the membership of the forum.

VIII. Recommendations

52. The continuing failure to adequately implement all the provisions of the Chittagong Hill Tracts Accord in a timely manner and to address developments that lead to further marginalization of the indigenous peoples is likely to enhance the prospects of renewed political instability and ethnic conflict in the region. The likelihood of such outcomes is evident from the occurrence of conflicts between settlers and indigenous peoples and violence in the post-Accord period. It is, therefore, of utmost importance that there be no further delay in the implementation of the Accord. To that end, the following recommendations to relevant stakeholders should be implemented, with the active participation of the indigenous peoples of the Chittagong Hill Tracts:

Government of Bangladesh

53. **It is recommended that the Government of Bangladesh:**

(a) **Declare a timeline for implementation of all provisions of the Chittagong Hill Tracts Accord during the remaining period of its term, outlining modalities of implementation and persons and/or institutions responsible for implementation, in consultation with the Chittagong Hill Tracts Accord Implementation Committee;**

(b) **Facilitate the expedient settlement of land disputes by the Land Commission through the immediate amendment of the Land Dispute Settlement Commission Act of 2001, in accordance with the provisions of the Accord and the recommendations put forward by the Chittagong Hill Tracts Regional Council;**

(c) **Implement a phased withdrawal of temporary military camps in the region in accordance with the Accord in order to reduce the extent of undue military control and resultant tensions and thereby restore normalcy in the region;**

(d) **Transfer functions normally performed by civilian agencies but now undertaken by the military, such as development projects and any other activities not requiring specific military skills, to the civil administration and to institutions set up under the Accord. Instructions should be issued, with accompanying sanctions, against military involvement in the resolution of land disputes, the maintenance of normal law and order, including check posts on roads and waterways and forest produce checkpoints, and other typical civilian activities. The Government of Bangladesh is further requested to consider the removal of unnecessary check posts and unreasonable restrictions on the activities of non-governmental organizations and foreigners;**

(e) **Hand over all the agreed subjects and functions, as specified in the Accord, to the Hill District Councils, with immediate effect, and take all necessary steps to ensure the full functioning of the Chittagong Hill Tracts Regional Council in its role in coordination and supervision of the general administration and development of the region and in advising the Government on legislation;**

(f) **Address the issue of impunity for human rights violations in the region by arranging for a high-level, independent and impartial commission of**

enquiry into acts of violence perpetrated against indigenous peoples that implicate the army and other law enforcement agencies, and, where sufficient evidence exists, bringing those responsible to trial and providing exemplary punishment to the perpetrators and reparations to the victims concerned;

(g) Establish legal services in the region and develop an effective public information and education programme so that victims and witnesses of human rights violations and crimes, in particular violence against women, are able to access legal remedies;

(h) Allow United Nations agencies, international, national and local human rights institutions and groups, including the international watchdog body, the Chittagong Hill Tracts Commission, non-governmental organizations, the press and the media, free and easy access to travel within the region, including Baghaihat and other parts of Sajek union, Baghaichari subdistrict, Rangamati district, to investigate and report on allegations of human rights violations in the region, and to continue to monitor the situation unhindered and without surveillance;

(i) Invite the United Nations Special Rapporteur on the rights of indigenous peoples and other thematic special rapporteurs to assess the situation in the region;

(j) Include provisions in the Constitution of Bangladesh during its expected amendment, giving explicit recognition to the distinctive identity, culture and rights of the indigenous peoples along with ancillary safeguard provisions;

(k) Formally endorse the United Nations Declaration on the Rights of Indigenous Peoples, ratify ILO Convention No. 169 of 1989 and the optional protocol to the International Covenant on Civil and Political Rights and withdraw the reservations concerning certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Other stakeholders

54. The Human Rights Commission of Bangladesh: Investigate alleged violations of the rights of indigenous peoples and other residents of the Chittagong Hill Tracts and publish the findings of such enquiries, along with recommendations.

55. The Office of the United Nations High Commissioner for Human Rights and international and national donors, non-governmental organizations and human rights organizations: Provide financial means and technical assistance to indigenous peoples from the Chittagong Hill Tracts to engage with intergovernmental human rights and environmental treaty bodies in relation to treaties ratified by or acceded to by Bangladesh, including ILO Convention No. 107, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

56. Department of Peacekeeping Operations of the Secretariat: Develop a mechanism to strictly monitor and screen the human rights records of national army personnel prior to allowing them to participate in peacekeeping operations under the auspices of the United Nations.

57. International donor agencies in Bangladesh: Act on their commitments to support the implementation of the Chittagong Hill Tracts Accord and to ensure development respecting political, economic, social and cultural rights of indigenous peoples with the aim of promoting and protecting human rights in the region, including a strategic approach allowing for immediate as well as long-term development action.

Permanent Forum on Indigenous Issues

58. It is recommended that the Permanent Forum on Indigenous Issues:

(a) Recommend that the Department of Peacekeeping Operations prevent human rights violators and alleged human rights violators within the security forces of Bangladesh from participating in international peacekeeping activities under the auspices of the United Nations. The Permanent Forum should reiterate its recommendations to the Department of Peacekeeping Operations made at its fifth session (see E/2006/43, para. 87);

(b) Recommend that the United Nations Development Programme (UNDP) continue its activities in Baghaihat and other places in Sajek union, Baghaichari subdistrict, Rangamati district and other relevant places in the Chittagong Hill Tracts, addressing, in particular, the education, health-care and livelihood needs of internally displaced indigenous peoples. The Forum should encourage UNDP to report to it on its work in the Chittagong Hill Tracts;

(c) Recommend that the United Nations Children's Fund (UNICEF) conduct activities on education and health care in Baghaihat and other places in Sajek union, Baghaichari subdistrict, Rangamati district, and other relevant places in the Chittagong Hill Tracts in order to address, in particular, the needs of internally displaced indigenous peoples who remain unrehabilitated and their basic needs unaddressed from the time of the signing of the Accord in 1997 to the present. The Forum should encourage UNICEF to report to the Forum on its work in the Chittagong Hill Tracts;

(d) Conduct more in-depth case and comparative studies on peace accords, with an emphasis on issues such as reasons, factors and conditions leading to the success or failure of peace accords and the impact of armed conflicts on indigenous peoples, with particular emphasis on the situation of women and children;

(e) Dedicate the special theme of its twelfth session in 2013, or a technical seminar, to peacebuilding processes, the implementation of peace agreements and conflict-prevention initiatives in indigenous peoples' territories.

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United Nations Children's Fund

Summary

The present report is submitted by the United Nations Children's Fund (UNICEF) for consideration during the in-depth dialogue of the tenth session of the United Nations Permanent Forum on Indigenous Issues. It provides a summary of the Fund's approach to promoting and protecting the rights of indigenous children and women, and the work which the agency has been undertaking regarding indigenous peoples' issues. It further identifies gaps in its current efforts, and proposes a road map for moving that agenda forward. The Fund's immediate agenda in the promotion and protection of indigenous peoples' rights includes the design of a strategy that reinforces a human rights-based approach to development in favour of the rights of indigenous peoples.

The report is not exhaustive of UNICEF activities; it contains a range of practices and case studies pertaining to the Fund's interventions in the field, particularly as they relate to the ways in which the agency is responding to the recommendations of the Permanent Forum.

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I. Introduction

1. The United Nations Children's Fund (UNICEF) has been a key actor in United Nations processes related to indigenous issues. At the global level, the organization has made significant contributions towards ensuring that the Permanent Forum on Indigenous Issues addresses the rights of indigenous children and women. UNICEF contributes to the work of the Inter-Agency Support Group on Indigenous Issues. In 2005 in particular, the Fund hosted the Support Group's annual meeting at its Regional Office for Latin America and the Caribbean in Panama City, the first meeting of the Support Group held away from United Nations Headquarters. The aim was to promote coordination among the organizations and agencies of the United Nations system at the regional and country levels, thus raising awareness of the gap between efforts at the global level and in the field, and generating momentum on the issue. Elaboration of the United Nations Development Group Guidelines on Indigenous Peoples' Issues was one of the recommendations of the meeting, and UNICEF co-chaired the inter-agency team in charge of drafting the guidelines.

2. UNICEF has been active at the country level, with various programmes and activities specifically designed to advance the rights of indigenous peoples, and with projects ranging from bilingual and intercultural education to culturally sensitive health services, birth registration and the fight against violence, abuse and exploitation. The agency is guided by the Convention on the Rights of the Child, with the Convention on the Elimination of All Forms of Discrimination against Women forming the other keystone of the agency's mandate and mission. The Convention on the Rights of the Child applies to all children in the world, and the principle of non-discrimination as articulated in Article 2 of the Convention is at the core of the work of the United Nations Children's Fund. The approach of UNICEF in this connection is inspired by the Convention concerning Indigenous and Tribal Peoples in Independent Countries, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135, annex) and the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex).

3. UNICEF was also instrumental in the design of general comment No. 11 (2009) on indigenous children and their rights under the Convention, released by the Committee on the Rights of the Child. UNICEF, among other things, facilitated consultations with indigenous representatives.

4. The UNICEF medium-term strategic plan for 2006-2013 (E/ICEF/2005/11; E/ICEF/2010/10), entitled "Investing in children: the UNICEF contribution to poverty reduction and the Millennium Summit agenda", clearly recognizes that in some countries, the children of indigenous populations tend to be disproportionately deprived of basic services. UNICEF cooperation will seek to benefit these children as a matter of priority, where needed. The strategic plan intends to go beyond support to specific programmes and projects, tackling the root causes of discrimination against and exclusion of indigenous children through the enhancement of relevant public policies. It identifies five focus areas that guide the efforts of UNICEF in asserting the rights of children in general and indigenous children in particular: (a) young child survival and development; (b) basic education and gender equality; (c) HIV/AIDS and children; (d) child protection from violence,

exploitation and abuse; and (e) policy advocacy and partnerships for children's rights.[1]

5. The work of UNICEF on indigenous issues forms part of the equity-based approach to its programmes and policies, which seeks to understand and address the root causes of inequity so that all children, particularly those who suffer the worst deprivations in society, including indigenous children, have access to education, health care, sanitation, clean water, protection and other services necessary for their survival, growth and development. UNICEF ensures the integration of cultural perspectives into its strategic plan as applied to indigenous women and children.

6. In response to the request of the Permanent Forum, UNICEF undertook a stocktaking exercise of its work on indigenous issues, using the Congo and Peru as case studies. This exercise is currently informing the design of an organizational framework for addressing indigenous issues within UNICEF, in response to the Permanent Forum's request of May 2006 for UNICEF to adopt a policy relating to indigenous youth and children. The stocktaking activity also formed the basis for a consultation on indigenous peoples' and minorities' issues which UNICEF organized in New York in April 2009.

II. Analysis and assessment of current work

7. The UNICEF field presence places the organization in a strategic position to promote and protect the rights of marginalized and excluded children and women, including those of indigenous backgrounds. To date, information gathered on UNICEF efforts at the country level in this area is primarily found in reports from UNICEF country offices which specifically mention indigenous peoples in their reporting, and it is within that context that the details of the present report are provided. Political sensitivities surrounding indigenous peoples' issues in some regions have also influenced the degree of UNICEF involvement, resulting in some regions being more visible actors as compared to others.

Regional perspectives on UNICEF practice in respect of indigenous peoples

8. A substantial number of UNICEF good practices with indigenous peoples emerge from the Latin America and Caribbean region, where UNICEF activities date back to the 1960s and perhaps even earlier, focusing on high-poverty areas, most of which were, and still are, indigenous areas. Those conditions apply in particular to the four countries in which indigenous peoples are a major portion of the national population: Bolivia, Ecuador, Guatemala and Peru.

9. The UNICEF Regional Office for Latin America and the Caribbean has been working consistently since 2004 with a programme on the rights of indigenous children and adolescents supported by the Government of Spain through the Spanish Agency for International Development Cooperation. During the past six years the Regional Office and the 17 country offices which participated in the programme (Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador,

[1] For specific details of the medium-term strategic plan see E/ICEF/2010/1 and Corr.1. For full details on how UNICEF integrates indigenous peoples' issues into its policy framework, see Patrizio Warren, "Promoting the rights of indigenous children and women: a stocktaking of UNICEF's approach and practice", working paper (UNICEF, New York, 2009).

El Salvador, Honduras, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru and the Bolivarian Republic of Venezuela) have focused their work on the generation of strategic information, the empowerment of indigenous peoples (mainly women and adolescents) and the capacity-building of counterparts (mainly Governments) and of UNICEF staff. Other donor countries, such as Canada and Finland, have also contributed to the development of similar programmes on indigenous issues in some countries of the region.

10. Although less extensive, the organization's development work in the area of indigenous peoples is growing in Africa and Asia. The stocktaking report on the Congo indicates that since the late 1990s, the UNICEF country office in the Congo has addressed indigenous concerns through specific initiatives and interventions. Initially, those efforts consisted of supplying drugs, vaccines, school materials and other consumables to missions, non-governmental organizations and local line agencies in such areas as education, health and welfare that were working with indigenous peoples. By late 2001, this humanitarian phase evolved into an integrated project on the improvement of access to basic services for the indigenous ethnic minority (Baka) in the Sangha department.

III. Measures in relation to the recommendations of the Permanent Forum on Indigenous Issues

A. Response to recommendations made during previous sessions of the Permanent Forum addressed exclusively to the United Nations Children's Fund

Migration[2]

11. Since 2007, the UNICEF Regional Office for Latin America and the Caribbean has increased its attention to the ways in which the migration phenomenon affects indigenous children. Most recently, UNICEF, in collaboration with the Latin American Faculty of Social Sciences (FLACSO) in Ecuador, carried out a study on migration and indigenous children in Latin America. The study focuses on indigenous child migratory flows from Bolivia to Argentina, from Ecuador to Colombia and from Guatemala to Mexico. It deals with three different situations that affect children: children that migrate alone (long- and short-term, even daily, migration); children that migrate with their families; and children remaining in the country of origin with other family members.

Climate change and the environment[3]

12. UNICEF is increasingly concerned about the impact of climate change on indigenous children. It is vital to address children in the context of the environment and climate, both in terms of the impact of the environment on indigenous children's survival, growth and development and in terms of the important roles indigenous children can play as agents for change. At the country level, UNICEF highlights the importance of child and youth participation in climate change, vulnerability assessments for children with respect to climate change, the incorporation of

[2] See E/2007/43, para. 113.

[3] See E/2008/43, para. 100.

environment and climate change into education curricula, the provision of safe water and sanitation to children, and the development of substantive disaster risk reduction policies and procedures to protect children from potential increases in natural disasters.

13. The work of UNICEF on climate change and the environment in Latin American countries has engaged indigenous children in global policy events, education and communication campaigns. In particular, the adolescent citizenship programme in Brazil empowers indigenous youth and women to participate in policy formulation in their territories, through which they promote environmental preservation and reforestation. In Paraguay, indigenous children and teachers participated in the development of the "Chaco Rapére" project, an educational tool endorsed by the Ministry of Education, which teaches children about risk prevention. Lastly, UNICEF supported the participation of indigenous children in policy, education and advocacy at the United Nations Climate Change Conferences in 2009, the fifteenth Conference of the Parties, and in 2010, the sixteenth Conference of the Parties.

B. Response to recommendations made during previous sessions of the Permanent Forum addressed to one or more agencies or to the United Nations system in general

Adolescent suicide[4]

14. The UNICEF Regional Office for Latin America and the Caribbean is currently conducting a study on adolescent suicide, with case studies from Brazil, Colombia and Peru. While the study will be finalized in the first quarter of 2011, preliminary results show that the change of family patterns from extended to nuclear family, the loss of indigenous territories and discrimination have a major impact on the decision of adolescents to commit suicide. The study makes a series of policy recommendations which will be widely disseminated.

Incorporating a cultural perspective into health policies, programmes and reproductive health services[5]

15. An intervention developed by the UNICEF country office in Peru in 2002 demonstrated that intercultural approaches to obstetric care increased coverage of institutional obstetric services, reduced maternal and perinatal mortality and established a more sustainable relationship between the service provider and the user. A participatory study undertaken by that office in 2000 also showed that resistance to institutional birthing was mostly cultural in nature. Four strategies were instituted to overcome that barrier. They included maternity waiting houses to resolve the difficulty posed by geographic distance; family and community support to make maternity and the mother's condition a priority; comprehensive health insurance to cover the cost; and the cultural adaptation of maternity services to overcome the fear of cultural differences that prevents indigenous women from seeking maternal health care. Traditional practices were systematized on the basis of universal know-how and several research projects conducted at the local operational

[4] See E/2007/43, para. 65.

[5] See E/2006/43, para. 48.

level. Finally, UNICEF identified the health facilities where staff were most committed to the intervention and provided them with training. Universities that provide training for the health sector now have a more open approach to culturally sensitive health care. Overall, the experience transformed everyday service by promoting cultural changes in the approach to care and in its routine elements.

16. In Guatemala, where indigenous women, compared to non-indigenous women, have the highest maternal mortality rates, the Ministry of Health is implementing a strategy to reduce maternal deaths. The UNICEF country office in Guatemala, in cooperation with the UNICEF country office in Peru, has provided technical assistance through international experts. The most important area of work has been vertical childbirth assistance for indigenous women. The national authorities believe that this methodology can be adapted and adopted in the country.

17. In Bangladesh, an integrated package of maternal, neonatal and child survival interventions is being implemented by the Government and UNICEF in partnership with several non-governmental organizations. At the project's beginning, qualitative formative research was undertaken to explore, understand and assess local knowledge and maternal, child and neonatal care practices among the indigenous populations, which highlighted the need for localized methods for gaining understanding of community contexts. In response to research findings, special efforts are being made in indigenous areas to include traditional healers and birth attendants in communication activities. Additional support is provided by locally recruited and run community support groups, which work to increase local knowledge and acceptance of positive health behaviours and provide material and social assistance to vulnerable mothers and children. Innovative methods for skilled service delivery have also been designed for remote indigenous communities including mobile clinics operated by non-governmental organizations, satellite clinics and outreach services.

18. In the Congo, implementation of health-related activities has been undertaken in collaboration with the Association Espoir Renaît and the Catholic missionaries, who have been working with the Baka peoples for a long time. On the basis of that collaboration, a number of outputs were delivered, including the building of health posts in 10 villages; health campaigns for polio vaccination, yaws eradication and vitamin A distribution; installation of hand pumps; construction and rehabilitation of schools; and distribution of school kits and agricultural tools in selected villages. During its second phase (2005-2006), the project sought to promote participation and empowerment of the Baka peoples by establishing health, education and water committees in selected villages. In 2005, the preparatory schools established in the Sangha were recognized by the Ministry of Education, and the Sangha Department council committed to collaborate in training Baka teachers and community health workers. The project was partially extended to selected locations of the Likouala Department, and contacts were established with the programme for human development of the United Nations Development Programme (UNDP). Additional funds were raised, and videos documenting the situation of the Baka peoples were produced to be used as advocacy tools.

19. Indigenous health workers and local leaders have a key role in early childhood care. The UNICEF approach to early childhood care in indigenous areas includes raising awareness of the importance of immunization and other measures to protect children from transmittable diseases. UNICEF recognizes that effective early

childhood development should address and, whenever appropriate, include indigenous practices for childcare, feeding, personal and environmental hygiene, newborn stimulation and preschool education. For example, in Colombia, through the partnership between the Ministry of National Education, the Colombian Institute of Family Well-being, the Guambía indigenous council, the University of Cauca and UNICEF, early childhood comprehensive care and assistance was provided for the Misak indigenous group. Early childhood development was incorporated as a formal programme of the council of Guambía, Cauca, within the framework of its community education project. Pedagogical material on child-rearing practices and play with an intercultural approach was systematized and structured. Several studies on child-rearing practices have been developed with UNICEF support in such countries as Chile, Nicaragua and the Bolivarian Republic of Venezuela with the participation of indigenous women.

Increased participation of indigenous peoples, including women, in programme design, implementation and monitoring[6]

20. The UNICEF Regional Office for Latin America and the Caribbean, jointly with other organizations and agencies of the United Nations system, has been promoting several indigenous leaders consultative groups for the United Nations at the country level. In 2003, the Regional Office established a consultative group on indigenous issues made up of selected indigenous leaders and intellectuals, with the aim of incorporating the indigenous point of view in UNICEF policy and strategy for Latin America. In 2009, as a result of strong advocacy by UNICEF at the level of the regional directors, that body was converted into a consultative group for all United Nations entities at the regional level.

21. Examples of UNICEF activities in the above-mentioned area include its support for the participation of indigenous leaders and adolescents in the design of general comment No. 11 (2009) on indigenous children and their rights under the Convention, drafted at the fiftieth session of the Committee on the Rights of the Child. The UNICEF Regional Office for Latin America and the Caribbean has promoted the participation of indigenous peoples in the development of laws in several countries, including Costa Rica, Honduras and Paraguay. It has also supported the participation of indigenous children in the debate on constitutional reform in Bolivia.

22. Support has also been provided to young indigenous women to participate in such key events as the eleventh session of the Regional Conference on Women in Latin America and the Caribbean, held in Brasilia in 2010, and the Preparatory Meeting for the VI Meeting of Indigenous Women of America, held in Peru in 2010.

Intercultural bilingual education[7]

23. The major contribution by UNICEF to the rights of indigenous peoples has been in the area of education, with a special focus on bilingual education which dates back to the late 1970s, when it was developed in Latin America in collaboration with a variety of stakeholders, including national ministries of education, the United Nations Educational, Scientific and Cultural Organization

[6] See E/2009/43, para. 11.

[7] See E/2005/43 and Corr.2, para. 52.

(UNESCO), non-governmental organizations and indigenous peoples' organizations. During the 1990s, UNICEF contributed to the development of a new approach to bilingual education which included the incorporation of indigenous language and culture in primary school curricula, the training of indigenous teachers in managing both conventional and indigenous elements of the curricula, active pedagogy and child participation. Those practices triggered a shift from the concept of bilingual education to the concept of intercultural/bilingual education.

24. In Viet Nam, action research on mother tongue-based bilingual education is being carried out by the Ministry of Education and Training, in collaboration with the UNICEF country office, in three provinces with three respective ethnic minority languages with advanced practice in these areas. The action research programme is designed to develop an applicable and sustainable policy for bilingual education, with practical guidelines for successful implementation by the end of 2015.

25. In Malaysia, UNICEF works in partnership with the Ministry of Education to address disparities in education, particularly of vulnerable groups of children, including the Orang Asli. In 2010 UNICEF published *Koleksi Cerita Rakyat Masyarakat Orang Asli*, volumes 1 and 2, to support pupils and teachers in 94 Orang Asli schools throughout Peninsular Malaysia. UNICEF provided support materials, training and capacity-building to enhance teaching and learning strategies.

26. The UNICEF Regional Office for Latin America and the Caribbean has supported the organization of regional congresses in bilingual intercultural education, which are held every two years, contributing in 2010 to the ninth Latin American Congress on Bilingual Intercultural Education, held in Guatemala. The congresses provide an excellent opportunity to share experiences in this area across the region.

27. In Argentina, UNICEF has been supporting intercultural bilingual education for indigenous children and adolescents in rural communities of five priority provinces, with the goal of improving access to basic education and graduation rates at the primary level. In partnership with the National Ministry of Education, the respective provincial ministries, non-governmental organizations and indigenous leaders, the conditions in 300 residential schools of the five provinces were analysed to improve their infrastructure and furnishings. Bilingual education materials were developed for primary schools and will be distributed in 1,500 intercultural bilingual schools. Among other things, publications on indigenous education were developed as a key advocacy tool, and support was provided to centres dedicated to the strengthening of indigenous children and women in three communities.

28. In Peru, UNICEF influenced new national actors on issues of intercultural bilingual education, prioritizing it in more than five regions and providing technical and financial support at the central and regional levels. In Paraguay UNICEF helped to reinforce the institutional and technical capacities of the Ministry of Education and Culture and non-governmental organizations to apply the law on indigenous education, as well as the capacity of non-governmental organizations to influence policy on education. The Ministry and indigenous organizations received technical assistance in linguistics, teacher training and organization, provided by indigenous professionals from Bolivia, Brazil, Ecuador and Guatemala. At least 200 indigenous teachers from 20 indigenous communities have since begun training in strategic topics, and a manual on cultural research methods has been published, as have five studies on the science and culture of the indigenous peoples of Paraguay.

29. In Cambodia, UNICEF has been supporting the Ministry of Education, Youth and Sport in carrying out a range of activities aimed at improving education for communities in remote areas of Cambodia bordering Viet Nam and the Lao People's Democratic Republic. Some of the most recent achievements include the development and dissemination by the Ministry of guidelines on implementation of education for indigenous children in the highland provinces, which is the first formal document on bilingual education. In response to the lack of educational opportunities for children of remote indigenous communities, the Ministry, in collaboration with UNICEF and CARE, developed a participatory community school model of bilingual education which targets indigenous children. The programme is based on community participation, with communities establishing their own school boards on the basis of traditional decision-making processes. The boards are actively involved in developing books and educational materials, managing the schools and selecting community members to be trained as teachers. By November 2010, the programme had been implemented in eight districts distributed throughout three provinces, covering 20 community schools and seven state schools. As a result, 1,232 children (including 541 girls) from rural indigenous communities attended school.

30. The UNICEF country office in the Congo supports schools applying the "observer, réfléchir, agir" or "observe, think, act" (ORA) method, a bilingual and intercultural education method based on an active pedagogy. The schools provide a two-year programme in the local indigenous language, as well as French classes. Teachers are indigenous persons, school hours are adapted to the local life habits of the indigenous peoples and schools are located within reach of indigenous communities. The introduction of the ORA method has shown that a preparatory bilingual education cycle can help indigenous children in acquiring basic skills. After the preparatory school they enter the official primary school, and drop-out rates are low.

Data collection and disaggregation[8]

31. Significant efforts have been made in past years to improve the availability of disaggregated data on indigenous children and adolescents in the Latin American and Caribbean region.

32. UNICEF has been in partnership with the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Population Fund (UNFPA) in an effort to introduce suitable questions into the new censuses to acquire more information on the situation of indigenous peoples in the countries of the region, which will have their next round of censuses from 2010 to 2017. In addition, a socio-linguistic atlas of the indigenous peoples in Latin America with information by country and geo-cultural areas has been developed on the basis of national censuses. The publication includes a DVD with disaggregated data from the official census of each country (for example, the proportion of indigenous population per country; the distribution by rural/urban, sex and age; and so on), maps and relevant information concerning legislation on education for indigenous peoples. With data collected from the implementation of specific censuses and household surveys, a complete indigenous atlas has been developed in Paraguay, supported by UNICEF and other organizations. Costa Rica is supporting the

[8] See E/2003/43, para. 5 (b).

gathering of disaggregated data to facilitate analysis of the situation of the most vulnerable and excluded groups and promoting public policies and programmes aimed at reducing existing gaps and inequalities.

33. Nevertheless, obstacles remain, since there are countries that still do not have disaggregated data, or in some cases the ethnic variable is incipient. The questions included in censuses and household surveys vary by country. Thus, a comparative approach is not viable (for example, Mexico and Peru use linguistic categories while Ecuador uses self-identification).

Birth registration[9]

34. The UNICEF Regional Office for Latin America and the Caribbean encouraged the active participation of many indigenous leaders from 12 Latin American and Caribbean countries in the regional conference on birth registration organized by UNICEF, the Organization of American States and Plan International in August 2007 in Asuncion. The event was an important opportunity to make civil registries aware of the obstacles affecting indigenous children and adolescents in this matter. It was also a key occasion to empower indigenous representatives by providing them with information on the importance of birth registration. The final documents encompassed most of the recommendations made by indigenous leaders, and the meeting motivated the countries from the region to commit to reaching universal birth registration. A follow-up meeting will take place in 2011.

35. UNICEF has also developed a study with Plan International on good practices and lessons learned on birth registration of indigenous peoples in four countries in Latin America: Bolivia, Ecuador, Guatemala and Panama.

Violence against indigenous women and children[10]

36. In Mexico, UNICEF contributed to the design of a joint programme funded by the United Nations Trust Fund to Eliminate Violence against Women, competing against more than 1,000 other projects from around the world. UNICEF joined ECLAC, UNDP, UNFPA, UNESCO, several federal bodies and civil society organizations in starting up a three-year joint United Nations programme on building and evaluating an integral model to prevent gender violence among indigenous populations in Mexico, with an intercultural perspective. The contribution of UNICEF includes piloting protocols to respond to gender violence against children and adolescents in indigenous communities in Oaxaca and Chiapas states.

37. The UNICEF country office in Brazil has contributed to establishing local child protection systems to respond to domestic violence, sexual abuse and exploitation of children and adolescents. Specific attention has been given to how to adapt child protection procedures to take into account indigenous forms of organization and culture in Santa Cruz de Cabralia, as part of efforts to improve child protection in the Porto Seguro region of Bahia.

38. In Bolivia, UNICEF has focused its cooperation programme on the most severe social and cultural inequalities through the promotion of human rights-based

[9] See E/2007/43, para. 66.

[10] See E/2006/43, para. 47.

public policies. The programme supported initiatives to ensure that indigenous groups have access to quality bilingual intercultural education and to health services, particularly among the Guarani people. Water and sanitation policies were fostered in the most excluded rural communities, most of which are in the eastern part of the country. UNICEF made efforts to develop social protection systems for those children forced to work in the most adverse and dangerous conditions in the sugarcane and chestnut harvests. UNICEF also advocated for support for people migrating to Argentina, Brazil and Chile as well as for indigenous women receiving low salaries. UNICEF identified the need to emphasize incorporation of the cultural vision of indigenous groups in public policies and the placement of children at the cultural centre of Bolivian society, including eradicating violence against children and promoting a culture of peace.

39. In the Central African Republic, UNICEF supports indigenous children affected by HIV/AIDS. In 2009, the UNICEF country office in the Central African Republic provided direct support to community-based interventions that aim to improve the protection, care and access of orphans and other vulnerable children to basic services. Community-based child protection committees were established, with the mandate to oversee the situation of vulnerable children and monitor violations of their rights.

C. Response to recommendations made during the ninth session of the Permanent Forum addressed to one or more agencies or to the United Nations system in general

Restoration of cultural heritage[11]

40. UNICEF has been supporting the recuperation of languages such as the language of the Añu people in the Bolivarian Republic of Venezuela, which has been identified as an endangered language, mainly through education programmes.

41. In Guatemala, with UNICEF support, the Ministry of Education trained groups of oral bilingual teachers for a third consecutive year in the use of K'iché and Q'anjob'al language reading and writing. The teachers prepared support materials which covered the oral traditions of their culture, the Mayan's use of technology and the Mayan calendar.

D. Addressing issues of special interest to the Permanent Forum

Promotion of sustainable forest exploitation to protect indigenous peoples dependent on forest resources

42. In the Central African Republic, UNICEF is supporting participatory community development with a mixed public and private project designed to work on forest management in the Central African Republic (PARPAF). The main focus of the project is giving communities a voice in their own development, including the promotion of sustainable forest exploitation to protect indigenous peoples dependent on forest resources who are marginalized and economically and socially vulnerable. The programme area includes 19 villages with exclusively or predominantly Aka

[11] See E/2010/43, para. 24.

and Mbororo people. Activities conducted with the Aka and Mbororo have included the following: (a) community mobilization sessions on their current situation vis-à-vis access to basic health services, discrimination issues, culturally sensitive health issues, and language/cultural and geographical barriers to service provision; (b) community mobilization and participatory sessions on local development priorities for Aka and Mbororo; (c) training and community mobilization sessions on renewable energies, climate change, deforestation and sustainable forestry exploitation; and (d) mediation between the Aka and Mbororo people and the private companies, taking into account the people's rights and the companies' deforestation priorities. The Aka and Mbororo have participated in all stages of the development and validation of the production of local development plans that have been finalized by the different districts, which implies that in the short- and mid-term plans for community development, specific priorities have been identified and promoted by the Aka and Mbororo. Included with those priorities is the beginning of a broader social transformation process that will include justice and land ownership, as well as an adaptation of social services.

Indigenous children with disabilities

43. UNICEF is mindful of the interaction of indigenous status with disability, and plans to increase its efforts to promote and protect the rights of indigenous children with disabilities.

44. In Mexico, there is a programme for children with disabilities in rural and indigenous communities, who face the possibility of multiple forms of discrimination and poor access to services, integration and participation in the community.

45. The pilot project carried out by UNICEF addressed, among other things, issues of school inclusion and community attitudes, to ensure an inclusive approach to children with disabilities at the state and municipal levels. Multidisciplinary teams made up of a doctor, a physical or occupational therapist, an education specialist and two community promoters were deployed in the community and financed by the state agency for family development (DIF). The community promoters were men and women recognized in the local community, with a command of local indigenous languages. They formed important links within the community to mobilize resources for and redress stigma against children with disabilities. The approach addressed equity issues in several dimensions, given that children with disabilities, living in rural communities and of indigenous origin, are doubly or triply excluded from services and community life.

46. By contrast to other community-based rehabilitation programmes, UNICEF negotiated the participation of government staff and resources from the outset of the pilot, increasing the chances of its adoption and scaling-up as a public policy in the state of Oaxaca. An external evaluation demonstrates that the approach can be replicated widely within Oaxaca, at the national level, as well as in other countries.

Child participation

47. According to the Convention on the Rights of the Child, children's participation is an important element of the work of UNICEF to promote and protect the rights of indigenous children. Since it encourages indigenous children to become

active citizens and gives visibility to their cause, participation in decision-making is an empowering practice and an essential expression of their rights.

48. UNICEF supported the participation of a 15-year-old Brazilian advocate to attend the ninth session of the Permanent Forum, providing an opportunity for this young advocate to raise the profile of indigenous children and youth by making a statement in plenary about the situation of his community and the right to participation of indigenous children and adolescents. UNICEF is also taking steps to increase its efforts at the country level in this regard. For example, in Brazil, UNICEF is implementing a project on the protection of children and adolescents in the indigenous Pataxó de Coroa Vermelha village and with four other developments in the Pataxó surrounding communities in the state of Bahia. One objective of the project is to develop the capacities of adolescents for self-protection against risks and violence, especially sexual abuse and exploitation.

49. The UNICEF country office in the Bolivarian Republic of Venezuela is also developing a programme to reinforce knowledge on human rights with the direct participation of the national network of indigenous adolescents and young people through workshops, interchanges and production of materials. In India, UNICEF, in partnership with LEPRA Health in Action, is implementing the Link Worker Scheme to generate awareness and foster behavioural changes among the general community by sharing accurate knowledge and information on HIV/AIDS in a tribal-dominated district. Accelerating this HIV/AIDS awareness programme through the involvement of young people has been highly successful.

Dissemination of the United Nations Declaration on the Rights of Indigenous Peoples

50. The UNICEF Regional Office for Latin America and the Caribbean has supported the translation of the United Nations Declaration on the Rights of Indigenous Peoples into 15 indigenous languages; child-friendly translated versions in Ecuador and Costa Rica (to be used as a basis for versions in other countries); and a publication with the International Labour Organization (ILO) (with the Convention concerning Indigenous and Tribal Peoples in Independent Countries). The translations were being coordinated with Fondo Indígena (Indigenous Fund).

51. Empowerment of indigenous peoples has also been key. Efforts in this area include inter-agency work on the dissemination of the Declaration. Workshops were held in Peru for South America in 2008, and in 2009, in Nicaragua for Central America and Mexico, and Trinidad and Tobago for the Caribbean. Indigenous organizations, Governments and the offices of ombudspersons were invited to participate.

Respect for the principle of free, prior and informed consent

52. While the free, prior and informed consent approach is considered by UNICEF to be inherent in its human rights-based approach to programming, it is also used as a specific methodology to conduct projects and studies. The participation of indigenous adolescents is a key component of UNICEF programming and is critical for ensuring free prior informed consent as stated in the United Nations Declaration on the Rights of Indigenous Peoples.

Capacity-building programmes on indigenous peoples' issues for staff, or a plan for capacity-building activities in this area

53. The Consultation on Indigenous Peoples' and Minorities' Issues which UNICEF held in April 2009 led to the formulation of a road map and action proposals in the development of the following: (a) a strategic framework/guidance note; (b) programme guidance; (c) knowledge management; and (d) involvement with international mechanisms on indigenous peoples' and minorities' issues. The implementation of the road map and action proposals will lead to an enhanced awareness of indigenous peoples' issues among UNICEF staff. UNICEF also participated in a train-the-trainers workshop on indigenous peoples' issues, which took place in Turin, Italy, from 8 to 11 June 2009. The training aimed to strengthen the capacity of United Nations staff to provide training in ways to engage indigenous peoples effectively and bring indigenous peoples' rights and issues into the mainstream of development-related United Nations work at the country level.

54. In Latin America and the Caribbean, UNICEF staff members, including representatives and deputy representatives, are regularly updated on relevant issues regarding the Permanent Forum.

Partnerships for indigenous children's rights

55. In Brazil, UNICEF is giving high visibility to racial disparities and the participation of adolescents, recognizing that knowledge is needed to support the formulation of public policies that promote gender and racial equality. UNICEF is working at different levels with local, state and federal governments to implement public policies to reduce racial, ethnic and gender disparities.

56. In collaboration with eight other entities (ILO, the Secretariat of Central American Social Integration, the Organization of Ibero-American States for Education, Science and Culture, Fondo Indígena, the Spanish Agency for International Development Cooperation, the Andean Community, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples), UNICEF has been working to address child labour among indigenous peoples. An event was held in Colombia in 2010 with the participation of Governments, indigenous organizations, unions and employers' organizations. The UNICEF Regional Office for Latin America and the Caribbean has reinforced its internal network of focal points on indigenous issues. In each country office, there is one focal point in charge of indigenous issues (in some country offices there is more than one, depending on their areas of expertise), and training on intercultural approaches to programming has been ongoing.

57. To support the realization of the rights of indigenous children and women, UNICEF builds and maintains synergies with other United Nations organizations and agencies, as well as Governments and donors. Advocacy has been an important strategy aimed at advancing the rights of indigenous peoples. In Cameroon, it has been undertaken through personal advocacy and representational activities by the head of office and other senior staff and through mass media campaigns. Advocacy for the rights of indigenous children has also been conducted through the organization of the first celebration by Cameroon of the International Day of Indigenous Peoples, in collaboration with ILO and the Subregional Centre for Human Rights and Democracy in Central Africa. A joint assessment was conducted with the Government to assess the needs and rights of indigenous children.

58. In 2009, the UNICEF country office in the Central African Republic undertook advocacy with 96 representatives of ministries and 62 members of the National Assembly for the ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries. That effort contributed to the country's ratification of the Convention in 2010. In 2009, UNICEF provided training and/or sensitization activities on human rights to 12,392 people, including 7,900 Aka/B'Aka (1,316 children and 3,457 women) in 160 villages, 285 Aka leaders and seven female Aka/B'Aka teachers, among others. Training in children's and minority rights was held in 2009 at 130 Aka/B'Aka forest camp sites and in 100 Bantu ethnic villages in Lobaye and Sangha Mbaere prefectures, and 1,000 Aka/B'Aka children had access to education facilities, including ethno-education in three schools rehabilitated under this programme.

59. Although gradual, partnerships on indigenous peoples' issues are evolving at the United Nations inter-agency level, particularly in Latin America. In collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF Congo for example, supported the review by the Parliament of a law (now promulgated) for the promotion and protection of the rights of indigenous populations.

Human resources

60. The Gender, Rights and Civic Engagement Section within the Division of Policy and Practice at UNICEF headquarters acts as the focal point for indigenous issues on the global level.[12] At the regional level, the Regional Office for Latin America and the Caribbean is the only UNICEF regional office that has a section for indigenous and afrodescendant children's rights, which is comprised of one senior and two other posts. The regional office has reinforced its internal network of focal points on indigenous issues, with each country office having one or more focal points on indigenous issues.

61. As part of the aforementioned stocktaking exercise, a survey of 24 country offices was conducted to determine their approach to working with indigenous children and women. Concerning human resources, 20 out of the 24 respondent country offices indicated that they had recruited a long-term consultant or, in a few cases, an officer as a focal point for indigenous issues. When needed, specialists in intercultural/bilingual education, intercultural health, intercultural communication for child protection and other subjects were hired in the framework of major donor-assisted programmes and projects.

E. Budgetary allocations

62. As part of the stocktaking exercise on the Fund's work on indigenous issues, an e-mail survey of UNICEF country offices was launched, which included questions on budget allocations to support initiatives addressing indigenous peoples. Of the 24 country offices which completed the survey, 6 indicated that they relied on annual budgets of more than half a million dollars. The budgets of an additional 8 country offices ranged from $100,000 to $500,000; 10 offices spent less than $100,000 per year. Those figures indicate that the budget available for indigenous

[12] The section has one P-3, one P-4 and one P-5 managing the portfolio.

issues is less than $500,000 for three quarters of the surveyed country offices, a sum allowing for some demonstrative projects and self-contained advocacy activities.

F. Obstacles encountered in implementing the recommendations of the Permanent Forum

63. The stocktaking exercise of the Fund's work on indigenous issues revealed, among other things, that processes, methods and tools for managing programmes and projects with indigenous peoples should be fine-tuned, and that staff should be trained in their adaptation and application to particular field settings. UNICEF intends to address the issues identified by the study through the road map and action proposals it developed during the Consultation on Indigenous Peoples' and Minorities' Issues. Also needed is disaggregated data at the national and subnational levels in order to improve the planning process. As mentioned, in Latin America, UNICEF, along with other United Nations organizations and agencies, is actively promoting the inclusion of this kind of information in the next round of national census.

64. In spite of its widespread efforts in favour of indigenous children, action by UNICEF is not currently supported by a clear organizational policy that defines its position with respect to indigenous issues, the nature of its commitment and the specific processes that guide its work.

Proposed solutions

65. In response to the need for a specific organizational policy, the task of UNICEF will be to develop a strategic framework on indigenous children to help to convey the commitment of UNICEF to working with indigenous peoples, give visibility to its activities and provide a framework for stronger support.

66. At the global level, UNICEF must also strengthen its capacities to adequately fulfil its leadership role, and generate, document and disseminate knowledge. To enable the development and sharing of experience and knowledge on indigenous issues in all regions, existing experiences need to be systematized. There is the need to build on the expertise of UNICEF regional and country offices in Latin America, as well as their strategic partnerships with community and civil society organizations to stimulate interventions and policies in other regions of the world, including the Caribbean.

1. Strategic framework

67. As recommended by the Permanent Forum, UNICEF acknowledges the need for the preparation of a strategic framework, which should be accompanied by guidelines for implementation. The strategic framework would be able to provide concrete operational indications about the conditions to be met for successful implementation.

2. Adapting the UNICEF approach to different regional and subregional contexts

68. As outlined above, the UNICEF approach towards indigenous issues has been heavily influenced by experience from Latin America. UNICEF will need to make an effort to share experiences more effectively between different regions.

3. Refining the understanding of local cultures and societies

69. Understanding indigenous cultures and societies is a prerequisite for working with indigenous peoples. In the immediate future UNICEF plans to conduct a study on sociocultural, spiritual and legal norms and institutions underpinning women's and children's rights within two selected indigenous communities. The study will form the first in a series of studies aimed at a deeper understanding of the social, cultural, spiritual and legal settings and contexts of indigenous peoples and their implications for programming.

4. Institutional collaboration and partnerships

70. The work of UNICEF is part of the commitment by the programmes, funds and agencies of the United Nations system to put into effect the United Nations Declaration on the Rights of Indigenous Peoples. Inter-agency collaborative linkages will therefore be pursued in the implementation of the Declaration, particularly at the country level. At the country level, in particular, partnerships will be established with other agencies, especially when UNICEF programmes and projects are called upon to address issues for which the Fund has limited expertise. Conversely, UNICEF will bring its special expertise on indigenous children's and women's rights to United Nations programmes assisting indigenous peoples in other areas. The establishment of working groups on indigenous issues, within the United Nations country team, as recommended by the United Nations Development Group Guidelines, will contribute significantly to strengthening such inter-agency linkages.

5. Next steps

71. A priority for UNICEF in 2011 will be the development of a programme strategy on indigenous and minority issues to guide country offices in programming in the area. Other initiatives to be implemented in the short term include establishing a community of practice on indigenous peoples' and minorities' issues in collaboration with UNDP and UNFPA, the objectives of which are internal capacity development among United Nations practitioners, operational coordination and collaboration, knowledge management and the strengthening of partnerships with indigenous peoples and organizations. Furthermore, UNICEF will finalize and disseminate child- and adolescent-friendly versions of the United Nations Declaration on the Rights of Indigenous Peoples, as well as produce a working paper on the right to participation of indigenous children.

72. The organization looks forward to working with the Permanent Forum in improving its performance in supporting the rights of indigenous communities and their children.

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Item 3 of the provisional agenda*
Follow-up to the recommendations of the Permanent Forum

Information from States on addressing the recommendations of the Permanent Forum on Indigenous Issues

Note by the secretariat

Summary

The present report is a compilation of the responses from States to the questionnaire on action taken or planned to address and implement the recommendations of the Permanent Forum on Indigenous Issues. The questionnaire and the complete responses from States are available on the Permanent Forum website: http://www.un.org/esa/socdev/unpfii/en/session_tenth.html.

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I. Introduction

1. As at 21 February 2011, the Permanent Forum on Indigenous Issues had received written responses to its questionnaire for the tenth session from Bolivia (Plurinational State of), Burkina Faso, Chile, Ecuador, El Salvador, the Niger, Peru, Switzerland and the United States of America. These States also provided overviews on the situation of indigenous peoples in their countries. Recent efforts have been made in Ecuador and Peru to build an intercultural society, and although they reported on other ethnic groups in addition to indigenous peoples, the present report outlines issues relating to indigenous peoples only. The complete written responses from States can be found on the website of the Permanent Forum: http://www.un.org/esa/socdev/unpfii/en/session_tenth.html.

2. Many States outlined their commitment to promoting all citizens and cultures as well as the need to eliminate discrimination against marginalized groups in communities, including indigenous peoples. In most instances, national constitutions contain extensive safeguards to ensure that human rights apply uniformly to all citizens, as in the case of Switzerland. In Ecuador, the rights of indigenous peoples and other nationalities have been recognized in the new Constitution of Ecuador (2008), which acknowledges Ecuador as an intercultural and plurinational State. This recognition is intended to provide a more inclusive approach to all Ecuadorians, building a new form of coexistence based on cultural diversity and harmony with Mother Earth, to achieve *sumak kawsay* or "living well". In this context, the National Assembly of Ecuador designated 19 September as the "Day of Interculturalism and Plurinationalism", in honour of the birthday of the late indigenous leader, Tránsito Amaguaña. In February 2009, the Government of the Plurinational State of Bolivia enacted its new Constitution, which guarantees the full participation of indigenous peoples in the construction of the Plurinational State of Bolivia.

3. The identification of indigenous peoples differs among countries. In Bolivia (Plurinational State of), Chile, Ecuador, El Salvador, Peru and the United States, there are identified indigenous peoples, while the Touaregs of Burkina Faso have never been officially declared indigenous peoples. At the same time, Burkina Faso counts the Touaregs among its population, describing them as belonging to the Berber nomads living in central Sahara and on the borders of the Sahel. According to Burkina Faso, the Berbers are identified as indigenous peoples in Algeria and Morocco. An organization in Burkina Faso called "Tinhinan", which works for the development of nomadic women, has been the voice of the indigenous peoples of Burkina Faso in international forums. Hence, there is recognition of the existence of indigenous peoples in Africa and elsewhere and commitment to promoting and defending their human rights. Switzerland does not have indigenous peoples as defined in pre-colonial societies, although there are minority groups in the country. However, it supports international efforts to protect and promote the rights of indigenous peoples. It its report, the Niger did not specifically refer to indigenous peoples.

4. States reported on recent initiatives to address indigenous peoples' issues. The United States reported President Obama's announcement on 16 December 2010 that the United States had changed its position and was now lending its support to the United Nations Declaration on the Rights of Indigenous Peoples. A more detailed statement regarding the Government's support for the Declaration may be found on

its website.[1] On the same date, at the White House Tribal Nations Conference, the United States Government announced that it had been working to strengthen its relationship with Native American tribes. As a part of its effort, the Government and tribal officials had developed a comprehensive strategy to help meet the challenges facing Native American communities. In July 2010, the Government of Peru established the Vice-Ministry for Intercultural Affairs within the Ministry of Culture, which aims to promote the rights of indigenous peoples in accordance with International Labour Organization (ILO) Convention No. 169 and the Declaration. In October 2010, the First National Indigenous Congress was held in El Salvador. At the opening of the Congress, the President of El Salvador, Mauricio Funes Cartagena, apologized to the nation's indigenous peoples for the harm they had suffered over the past five centuries and stated that from that day forward he would officially terminate the historical denial of the diversity of peoples and acknowledge El Salvador to be a multi-ethnic and multicultural society.

II. Response to recommendations from the ninth session of the Permanent Forum

5. One of the recommendations from the ninth session was for the United States and Canada to endorse the United Nations Declaration on the Rights of Indigenous Peoples. In 2010, both States changed their previous positions and they now support the Declaration.[2] The United States also reported that many of the priorities identified by Native American tribal leaders at the White House Tribal Nations Conference in December 2010 corresponded to recommendations made by the Permanent Forum at its ninth and previous sessions.

6. The Permanent Forum recommended that States and the United Nations system should provide political, institutional and financial assistance, in accordance with article 42 of the Declaration, to support the efforts of indigenous peoples so that they could consolidate their own development models and concepts of living well.[3] At the ninth session, Burkina Faso participated in the Forum for the first time, and it reported that that was an indication of the country's interest in the promotion and protection of indigenous peoples' rights. It also reported that it had laws providing for local authorities (municipalities and regions) to undertake any action to promote economic, social, cultural and environmental rights and to participate in regional planning. Those laws were for all citizens of Burkina Faso and thus applied equally to individuals who considered themselves indigenous peoples.

7. In Peru, the Government provides political, institutional and financial support to indigenous peoples, in accordance with article 42 of the Declaration, so that they can build their own development models and concepts and practices of living well. In 2009 and 2010, the Government conducted a series of macro-regional events with national and regional indigenous organizations to identify priority issues, project ideas and activities (such as land titling) to achieve development with identity for indigenous peoples. It also collected a series of contributions to be considered as the main input for a proposed national policy on intercultural and social inclusion. It was expected that indigenous peoples would participate in the development of the

[1] See http://www.state.gov/documents/organization/153223.pdf.

[2] See E/2010/43-E/C.19/2010/15, para. 16.

[3] Ibid., para. 11.

policy and that such restructuring would elevate indigenous peoples' issues to the highest political level and increase the capacity of Government action. In the mining and energy sector, the Government approved an emergency decree in March 2010 so that regional Governments received royalties and fees for rural and indigenous communities in their jurisdiction. Since 2006, the Ministry of Energy and Mining had been promoting the establishment of a fund called "The mining programme for solidarity with the people" so that companies, in coordination with indigenous peoples, could create projects for local development in the quest to eradicate poverty.

8. The Permanent Forum recommended that States, United Nations agencies and financial institutions and donors should promote and support development processes led and carried out by indigenous women's organizations, in accordance with articles 3 and 32 of the Declaration, including leadership and capacity-building schools and the creation of funds managed by indigenous women themselves.[4] In Peru, the Ministry of Intercultural Affairs has expressed interest in carrying out similar joint projects with indigenous peoples' organizations.

9. The Permanent Forum recommended that States should include ethnic identification in vital statistics and health records, allocate more funding for intercultural services that ensure indigenous women's access to health care, including emergency obstetric care, voluntary family planning and skilled attendants at delivery, and strengthen the role of traditional midwives.[5] The Ministry of Health in Peru has implemented policies for the expansion of intercultural health services for women and children in the Amazon region. In addition, maternal and neonatal intervention health services have been developed in other indigenous peoples' regions. In El Salvador, the Ministry of Health is implementing an outreach health coverage programme for indigenous peoples and other vulnerable groups. It also proposes health interventions at the community level to address the social determinants of health and promote disease prevention measures.

10. The recommendation that States with indigenous peoples should review their legislation, policies and programmes in accordance with the Declaration and the Programme of Action for the Second International Decade of the World's Indigenous People was also addressed by some States.[6] In Peru, the Vice-Ministry of Intercultural Affairs will conduct a review of Peru's national norms to propose legal reforms that include an intercultural approach in line with international commitments. Both the Declaration and ILO Convention No. 169 are incorporated into the new constitution of the Plurinational State of Bolivia and into other legal provisions on the rights of indigenous peoples.

11. At its ninth session, the Permanent Forum issued specific recommendations to the Government of the Plurinational State of Bolivia during its in-depth dialogue on the situation of indigenous peoples in the Chaco region. This dialogue was based on the report of the mission of the Permanent Forum to the Plurinational State of Bolivia (E/C.19/2010/6) and on the response of the Bolivian Government (see E/C.19/2010/12/Add.1). Three main recommendations were addressed in the written response by the Plurinational State of Bolivia. These recommendations referred to the implementation of constitutional provisions regarding the liberation of

[4] Ibid., para. 33.
[5] Ibid., para. 166.
[6] Ibid., para. 47.

indigenous peoples living under forced labour and servitude; reforming land processes on the grounds of servitude; and the implementation of specific policies in the areas of housing and health in indigenous communities that had been subjected to servitude.[7]

12. The Plurinational State of Bolivia reported that public policy on intercultural family and community health had been strengthened so that health officials and medical staff had been able to tour the Chaco region and offer medical care to 13,271 indigenous Guaraní and Wenayek peoples. In addition, social subsidies had been paid to pregnant women and women with children under 2 years of age, and to the elderly. The Ombudsman had disseminated information on laws protecting indigenous peoples in the Chaco region, collected reports and dealt with violations of peoples' rights. In 2010, the Ministry of Labour and Social Welfare had implemented two national programmes to eradicate child labour and forced labour in the Chaco region. The programmes included inspections of farms and the development of management programmes for farms that required further labour inspections. They also included the development of training programmes on labour and social rights, the creation of labour unions and the establishment of a committee comprising employers, workers and Government officials to implement guidelines on labour and social standards in favour of the indigenous peoples living in the Chaco region.

13. In compliance with the provisions of the Constitution on the release of captive families and resolutions for land reform, the Government of the Plurinational State of Bolivia has implemented measures, through the National Agrarian Tribunal, and has taken back abandoned lands where the previous landowners had held indigenous peoples in servitude. These lands will be transferred to the indigenous peoples as communal lands. The Government, in cooperation with the Guaraní peoples, has carried out a programme to provide birth certificates and identity cards, so that the Guaranís can benefit from the Government's social services programmes.

III. Efforts of Governments regarding indigenous peoples and the Millennium Development Goals

14. The United States reported that it had undertaken various efforts regarding indigenous peoples and the Millennium Development Goals. The Obama administration had prioritized funding for Indian housing and education, which supported both the eradication of extreme poverty and hunger and the achievement of universal primary education. The United States had also invested significant resources in managing wildfires and improving habitats, addressing contamination and degradation, and supporting renewable energy resources, all of which contribute to realizing environmental sustainability as part of the Goals.

15. Ecuador's implementation of the Goals is outlined in a document entitled "Millennium Development Goals Status Report 2008: Indigenous Nationalities and Peoples of Ecuador". The objectives are set out in the Organic Law on Food Sovereignty, which promotes safe and culturally appropriate food for communities, peoples and nations. The Organic Law on Higher Education guarantees free public education, especially for indigenous peoples. It also includes curriculum reform and

[7] See E/2010/43-E/C.19/2010/15, paras. 60, 61 and 63.

scholarship programmes for indigenous peoples. A strong campaign against sexism has also been implemented, with a special emphasis on indigenous peoples, which is articulated under the Plurinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion.

16. In Burkina Faso, the implementation of the Millennium Development Goals applies to all peoples without discrimination. However, in order to pursue a balanced development of all regions, the Government has made extra efforts in particular regions that experience unpredictable rainfall, in order to improve health, education and access to drinking water to the peoples residing in those regions.

17. The Government of Peru reported that in the year 2000, it had made a commitment to meet the objectives of the Millennium Development Goals and had introduced policies and programmes to raise the living standards of the poorer sectors of the country, which includes indigenous peoples. The 2010 report entitled "The State of Indigenous Children in Peru" prepared by the United Nations Children's Fund (UNICEF) and the National Institute of Statistics and Informatics states that health insurance coverage has increased for indigenous peoples and that there is a higher proportion of indigenous children and adolescents covered by health insurance than non-indigenous children. With respect to safe motherhood in indigenous communities, the Ministry of Health has implemented delivery care and cultural adaptation in health facilities, which has led to a reduction in maternal mortality.

18. The Government of Chile, in partnership with the United Nations system in Chile, has developed a programme for strengthening national capacities for the prevention and management of intercultural conflicts. One of the key elements outlined in the programme strategy is to measure the progress of the Millennium Development Goals in regard to indigenous peoples. The Goals have been part of the development strategy adopted by Chile to improve the quality of life and overcome poverty, inequality and various forms of discrimination and exclusion. The Government has prepared two national reports on achieving the Goals, the first of which considers Chile's proposed targets in economic growth and the development of social programmes. The second report, prepared in 2008, considers achievements and provides a regional analysis that reveals the regional inequalities in the achievement of the Goals. The Government of Chile and the United Nations system are conducting a study to determine the status of implementation of the Goals with respect to indigenous peoples and to forecast whether it is feasible to achieve them by 2015, as well as decrease the implementation gaps between indigenous and non-indigenous peoples.

19. Switzerland supports international efforts to protect and promote the rights of indigenous peoples, which are set out in its policy paper "Swiss action for indigenous peoples" (1998) published by the Federal Department of Foreign Affairs. Under the Department, the mandate of the Swiss Agency for Development and Cooperation is to fight against poverty and promote human rights for indigenous peoples. The activities supporting indigenous peoples include capacity-building, participation in decision-making and social policies, and access to public services such as education and health care and to economic and natural resources. Switzerland supports projects for indigenous peoples within the framework of its country programmes in Bangladesh, the Plurinational State of Bolivia, the Sahel and others places, as well as the activities undertaken by such Geneva-based

non-governmental organizations as doCip, which provides training and supports indigenous peoples' active participation in United Nations meetings. In its report, Switzerland provided examples of programmes for indigenous peoples in Bangladesh and the Plurinational State of Bolivia.

20. The Government of the Plurinational State of Bolivia implements the Millennium Development Goals through its national development plan, which aims to overcome the exclusion of indigenous peoples, reduce inequalities and eradicate extreme poverty and hunger. In the area of education, measures were introduced to grant incentives to indigenous students to remain in school, in order to reduce dropout rates and absenteeism. These measures are having an impact in the rural areas. In the fight against poverty, the Office of the Treasury transferred funds and resources, to be administered by the Council of Indigenous Organizations, for use in projects to strengthen various indigenous communities and facilitate productive enterprises aimed at eradicating poverty.

21. In order to address the implementation of the Goals, the Government of El Salvador stated that it was necessary to first address and find a resolution to the past treatment of indigenous peoples and the actions of previous Governments. This included the recognition of indigenous peoples so that they could be included in social policies that benefit them and the establishment of the First National Indigenous Congress, which held a series of meetings in October 2010 with organizations and indigenous leaders at which the President formally apologized to indigenous peoples for past policies of neglect perpetuated by previous Governments.

IV. Government responses to economic and social development, the environment and free, prior and informed consent

22. The United States is engaged in numerous initiatives to address the concerns raised by Native American leaders, including the areas addressed in the Permanent Forum's recommendations. Many involve the continuation of activities highlighted in the White House Tribal Nations Conference progress report released in June 2010. Decentralization laws in Burkina Faso enshrine the full transfer of powers to regions and municipalities in the areas of economic and social development and the environment. The Government also supports various local authorities in implementing their development plans by transferring financial and human resources. As a result, development choices come from the people themselves, including indigenous peoples.

Economic and social development

23. The Obama administration has taken numerous steps, in coordination with the affected tribes, to promote the economic and social well-being of indigenous peoples in the United States in the areas of employment and training, housing, education, access to high-speed broadband and infrastructure development. Full details of these initiatives may be found in the report by the United States. In Ecuador, the law on food sovereignty favours indigenous peoples and aims to strengthen healthy food production. In El Salvador, the Ministry of Health is implementing two projects to improve the health of vulnerable peoples, which

includes indigenous peoples. The first project aims to improve access to the health services' tuberculosis programme and the second is the outreach health services coverage programme. Full details of these initiatives may be found in the report by El Salvador.

24. The Niger has developed, implemented and revised a strategy of accelerated development for poverty reduction, with the aim of improving economic and social development and eliminating extreme hunger and poverty. A number of sectoral policies were developed; they include the rural development strategy, the national education policy, the national policy on youth and the national gender policy.

25. In the Plurinational State of Bolivia, the Government provides development funds and resources for indigenous and peasant communities which are managed by a board composed of indigenous peoples' organizations and peasant and Afro-Bolivian communities. All these communities, whether local, regional or national, can access the funds by submitting project proposals in the areas of production (agriculture, handicrafts, community tourism, fodder, seeds, land reclamation and small-scale irrigation); capacity-building; and social projects that aim to revitalize and protect ancestral knowledge. There are also additional development programmes for indigenous peoples funded by various municipalities.

26. In Peru, the Vice-Ministry of Intercultural Affairs develops policies, programmes and projects that promote the recognition of the right to cultural diversity, citizenship, social inclusion and sustainable development. There are plans under way to develop, with members of civil society organizations, academics and representatives of indigenous peoples, a national policy on intercultural and social inclusion, which will serve as the focus of a public policy that is binding on all Government sectors. In addition, the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples identifies, proposes, develops, participates and manages programmes and projects for development with identity for indigenous peoples. It also promotes capacity-building for indigenous peoples through training and organizes and oversees the implementation of projects and programmes for the development of indigenous and Afro-Peruvian peoples and for the realization of intercultural and social inclusion, in order to improve the quality of life of indigenous peoples.

27. In Chile, there are programmes at the national level for indigenous peoples that include a fund for indigenous lands and waters; an indigenous development fund; an origins programme (with the Inter-American Development Bank); and indigenous programmes at the National Institute for Agricultural Development, which supports indigenous farmers. In November 2006, the Government of Chile and the Inter-American Development Bank designed the origins programme to improve the quality of life of the rural communities of the Aymara, Atacameño, Quechua and Mapuche peoples. This project is due for completion in 2011.

28. Switzerland has conducted interventions over several years to strengthen the capacity of public institutions such as FORDECAPI (Programme to Strengthen Institutional Capacities) in the Plurinational State of Bolivia, to improve the rights of the Guaraní peoples. The project funds three regional offices with the objective of enabling Guaraní peoples who have lived under forced labour and servitude to gain full access to land titles; developing policies and laws that prohibit forced labour; providing access to justice programmes; and negotiating salaries for Guaraní workers.

Environment

29. The United States is committed to protecting the environment and recognizes that many indigenous peoples depend on a healthy environment for subsistence fishing, hunting and gathering. While there is far more that needs to be done, the United States is taking many steps to coordinate with the affected tribes and address environmental challenges in Indian country and beyond. Specific examples include initiatives such as "Wildfire management and improvement of habitat"; "Addressing contamination and degradation"; and "Supporting renewable energy resources and other projects". Full details of these initiatives may be found in the report by the United States. In Ecuador, there have been meetings with indigenous peoples' organizations on land management and collective rights as well as workshops to raise awareness of the meaning of the plurinational state, interculturalism and the "plan of living well", in accordance with national and international legal instruments. The "Life plan" is another instrument that was developed with the direct participation of indigenous peoples in order to build the Plurinational and Intercultural State of Ecuador.

30. As stated above, the decentralization laws in Burkina Faso enshrine the full transfer of powers to regions and municipalities in the areas of economic and social development and the environment. In the Niger, the development and implementation of national policies on the sustainability of the environment has contributed to protecting flora and fauna and safeguarding endangered animals and plant species. El Salvador reported that, in 2010, the municipality of Nahuizalco enacted an ordinance to protect natural resources. The regulation seeks to promote the development of indigenous communities in Nahuizalco by protecting and preserving their cultures, their lands and territories, and both renewable and non-renewable natural resources. In Chile, environmental laws require environmental impact statements for projects or activities in areas where there has been resettlement of communities or significant changes to living systems and customs and for activities located near towns or protected areas, conservation sites and anthropological and archaeological sites. There is a duty to undertake environmental impact assessments so that indigenous peoples and their lands are protected against any adverse development.

31. A central objective of the Government of the Plurinational State of Bolivia is the management of the environment, which has been emphasized in public policy. In November 2010, the Plurinational Assembly passed a law on the "Rights of Mother Earth". This law incorporates the principles of harmony, common good, the regeneration of Mother Earth, and respect for and the defence of the rights of Mother Earth as the basis for living in harmony with nature. During the sixteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Cancun, Mexico, in December 2010, the Plurinational State of Bolivia defended the Peoples' Agreement,[8] an outcome document of the Peoples' World Conference on Climate Change and the Rights of Mother Earth, held in Cochabamba, Plurinational State of Bolivia, in April 2010. This document outlines the provisions for reducing greenhouse gas emissions and the rights of indigenous peoples. The Plurinational State of Bolivia has also implemented policies on access to safe water, sanitation, micro-irrigation and

[8] See A/64/777.

irrigation in rural areas for indigenous peoples. Its Constitution confirms access to water and sanitation as a human right and provides that water should not be privatized or subjected to licensing and registration. In July 2010, following the initiative of the Plurinational State of Bolivia, the General Assembly adopted an historical resolution on the human right to water and sanitation (resolution 64/292). In January 2011, following extensive consultations, the Ministry of Environment and Water in the Plurinational State of Bolivia presented a draft water act to the Plurinational Assembly.

32. In Peru, there is a National Service for Natural Protection Areas, which is an agency of the Ministry of the Environment responsible for directing and establishing the technical and administrative criteria for the conservation of protected areas and the maintenance of biodiversity. Peru has also made progress in the implementation of ILO Convention No. 169 in terms of procedures for consultation on the legal and technical aspects of creating and administering communal reserves. These communal reserves are natural reserves for indigenous peoples who conserve and use natural resources in a sustainable manner. The Ministry of the Environment has also approved the development of national forest conservation and a proposal for mitigation of and adaptation to climate change in areas where indigenous peoples reside.

Free, prior and informed consent

33. The efforts of the United States to strengthen the government-to-government relationship with tribes is crucial to enable Government agencies to have the necessary input from tribal leaders before they can take actions that have a significant impact on tribes. It is for this reason that President Obama signed a Presidential Memorandum in 2009[9] on the implementation of Executive Order 13175 — Consultation and Coordination with Indian Tribal Governments and directed all federal agencies to develop detailed plans of action to implement the Executive Order.

34. In lending its support to the United Nations Declaration on the Rights of Indigenous Peoples, the United States recognized the significance of the Declaration's provisions on free, prior and informed consent, which the United States understands as a call for a process of meaningful consultation with tribal leaders before the actions addressed in those consultations are taken. The United States intends to continue to consult and cooperate in good faith with federally recognized tribes and, as applicable, Native Hawaiians, on policies that directly and substantially affect them and to improve cooperation and consultation processes, in accordance with United States federal law and President Obama's call for improved implementation of Executive Order 13175. Further details are provided in the report of the United States.

35. In Ecuador, free, prior and informed consent is taken into account in public policies on intercultural communication and in negotiations on access to radio frequencies for indigenous peoples. In Burkina Faso, the issue of free, prior and informed consent is covered by the provisions of an act on local government, which

[9] See http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president.

was adopted in December 2004. This act establishes the right of local governments to freely administer and manage their own affairs in order to promote grass-roots development and strengthen local governance.

36. In 2010, at the request of the Government of the Plurinational State of Bolivia, Switzerland coordinated the first consultation process at the national level, in accordance with ILO Convention No. 169, on the development of the law and justice. The consultation process was conducted using a methodology developed with the assistance of the United Nations High Commissioner for Human Rights in the Plurinational State of Bolivia. Switzerland intends to present the process of consultation and methods used to the tenth session of the Permanent Forum. As part of the process, the Government of the Plurinational State of Bolivia enacted legislation on implementing the right to consultation in accordance with the State Constitution, the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. The Government has an obligation to conduct a consultation process on legislative or administrative measures pertaining to indigenous peoples.

37. Article 34 of Chile's Indigenous Act establishes the general rules of participation and consultation where Government departments and State organizations must consider the views of indigenous peoples when dealing with matters relating to indigenous peoples' issues. In order to comply with its obligations under articles 6 and 7 of ILO Convention No. 169, Chile issued Decree No. 124 regulating article 34 of the Indigenous Act. It states that indigenous peoples are to be consulted through their traditional organizations, communities and associations. The bodies responsible for holding consultations include ministries, municipalities, regional governors, armed forces and public order and security forces.

38. In Peru, the Government is obliged to guarantee the rights of indigenous peoples in accordance with ILO Convention No. 169 and the Declaration. These frameworks not only recognize the rights of indigenous peoples but also the right to consultation and the right to participate broadly in the consultation process. In order to promote and monitor the ongoing dialogue process with indigenous peoples, the Congress of Peru approved a law in May 2010 that establishes the right of indigenous peoples to be consulted on legislative and administrative measures. In addition, the Ministry of Energy and Mines developed, with the technical assistance of ILO, a draft regulation for consultation with indigenous peoples on mining and energy. It sets out the framework for consultation with indigenous peoples when developing mining and energy activities that directly affect them.

39. In El Salvador, the Social Investment Fund for Local Development is designed to encourage municipalities to strengthen and promote decentralization and regionalization. It also incorporates an indigenous peoples' component that identifies the influences and impact on indigenous peoples in the municipalities. In order to ensure that consultations are conducted with indigenous peoples during the project implementation, an appropriate framework that promotes the inclusion of indigenous peoples and other groups in every stage of the project is being considered. Similarly, the process will include an action plan with measures to ensure that indigenous peoples obtain adequate social and economic benefits as well as measures to strengthen the capacity of the agencies implementing the project. The Ministry of Social Inclusion, in keeping with its mandate to eliminate discrimination

and promote social inclusion and the capacity-building of indigenous peoples, has formed three working groups to respond in a positive way to realizing the rights of indigenous peoples. Within this framework, a task force on indigenous peoples has been mandated to establish a dialogue with indigenous leaders and indigenous organizations to ensure that all activities, programmes and policies have the approval of the indigenous peoples themselves.

V. Obstacles encountered by Governments in implementing the recommendations of the Permanent Forum

40. The United States changed its position on the Declaration, which has led to an increased awareness among federal agencies about the work of the United Nations in the area of indigenous peoples. For this reason, the United States believes that it is premature at this point to comment on obstacles. The Government of Ecuador reported that it was difficult to support indigenous peoples' demands and, while there had been established dialogues with indigenous peoples, obstacles remained because there were divisions within the indigenous peoples' movement. In addition, there was no consistency between the indigenous leadership and local leaders, largely because of the lack of knowledge of Government projects and processes. Those divergent positions had made it difficult to fully implement the recommendations of the Permanent Forum. With respect to the Plurinational State of Bolivia, the difficulties in implementing the Permanent Forum's recommendations were often the result of resistance from certain sectors of society that tended to be conservative and thus hindered public policies that could benefit indigenous peoples. The Government of Chile reported that there were important opportunities to improve policies on indigenous peoples and that there was overwhelming consensus that institutional frameworks must be improved. In addition, Chile faced institutional constraints in developing programmes and benefits for indigenous peoples' development. For example, there were all kinds of institutional barriers that prevented or hindered indigenous peoples' access to benefits and programmes offered by various Government departments and ministries. Some of those issues were being addressed; the details were outlined in the report by Chile.

41. The Government of Peru reported that it had specific rules for indigenous peoples residing in isolation and that it recognized their right to communal reserves, to maintain their isolation and to protect the rights, habitat and conditions that ensured their existence and integrity as peoples. At the same time, the dispersion and remoteness of some indigenous peoples meant that there was limited State presence to meet their needs. In addition, there was a need to find specific formulas to implement the Permanent Forum's recommendations. The establishment of the Vice-Ministry of Intercultural Affairs might help to improve State actions. On the other hand, not all resources and capabilities had been fully developed following the decentralization process initiated some years earlier whereby many central Government powers had been transferred to regional and local governments. That factor might limit the implementation of the recommendations. However, it was important to note that the Government was aware of those limitations.

VI. Factors that facilitate the implementation by Governments of the recommendations of the Permanent Forum

42. As previously stated, the United States has changed its position on the Declaration, which has increased awareness among federal agencies about the work of the United Nations in the area of indigenous peoples. The United States thus considered that it was premature at this point to comment on the above question. Burkina Faso noted that the implementation of its decentralization law and regulatory measures to promote and protect the human rights of all social groups, including those who claimed to be indigenous peoples, was a factor that facilitated the implementation of the Permanent Forum's recommendations. The Niger, while not referring specifically to indigenous peoples, stated that it was important to have political stability, political engagement and national commitment in implementing the recommendations.

43. According to the Government of El Salvador, in order to implement the recommendations, it was necessary to first address and find a resolution to the treatment of indigenous peoples by previous Governments. In July 2010, the Secretary of Social Inclusion signed an agreement with the National Registry of Natural Resources, the Corporation of Municipalities of the Republic of El Salvador and the Attorney General's Office, to grant all indigenous peoples the right to regain their indigenous names and identity, which had been denied them under repressive policies introduced in 1932.

44. The Government of Chile is committed to promoting cultural diversity and indigenous cultures and identities; revising and improving existing methods of issuing land grants; restructuring existing institutions; and continuing to build effective consultation processes that include indigenous peoples' participation. In September 2010, a round-table meeting was convened by the President to establish and expand dialogue with indigenous peoples and their organizations in order to address concerns and restore trust between the Government and indigenous peoples.

45. The Government of Ecuador reported that strengthening institutions was the key factor in facilitating the Government's implementation of the Permanent Forum's recommendations. Part of that process included bridging the gap between civil society and the State; working closely with indigenous peoples to strengthen their organizations; and supporting the formulation and implementation of plans and proposals for organizational and community strength, with an emphasis on interculturalism, plurinationality and non-discrimination. It was important to establish inter-ministerial committees as intergovernmental forums to collect and respond to proposals from indigenous peoples.

46. The Government of Peru reported that one factor facilitating the implementation of the Permanent Forum's recommendations was promoting the visibility of indigenous peoples in the national agenda and in the various branches of Government. That required special attention and would remain a priority for 2011. Another factor was the creation of an executive branch within the Vice-Ministry of Intercultural Affairs, which had resulted in indigenous peoples' issues being accorded the same level of importance as other State priorities. Further, the issue of indigenous peoples' right to consultation had been recognized in court cases. Another important factor was the Congress of Peru having established legislative bodies devoted exclusively to indigenous peoples' issues, including the

Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology. Those bodies adopted policy frameworks that tracked and evaluated standards related to the rights of indigenous peoples, environmental preservation and the conservation of natural resources.

47. In 2007, President Evo Morales of the Plurinational State of Bolivia addressed the seventh session of the Permanent Forum, which helped to increase the promotion and implementation of the Declaration. Also in November 2007, at the seventeenth Ibero-American Summit of Heads of State and Government in Santiago, President Morales proposed that the United Nations should hold a world conference on indigenous peoples. As a result, in 2010, the General Assembly agreed to organize the World Conference on Indigenous Peoples in 2014. Similarly, the Government of the Plurinational State of Bolivia has facilitated the participation of leaders and indigenous peoples' organizations in meetings of the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples. Through the various ministries, the executive branch has endorsed the Declaration and ILO Convention No. 169 in publications and at workshops. With support from the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, the Declaration has been translated into Aymara, Spanish, Quechua and Guaraní.

VII. Specific laws and/or policies that address indigenous peoples' issues

48. It is not possible to list all the United States laws and policies pertaining to indigenous peoples. However, some of the landmark laws and policies include the following:

- President Nixon's 1973 message to Congress on Indian self-determination
- The 1974 Indian Self-Determination and Education Assistance Act and its many innovative amendments, including self-governance provisions
- The 1990 Native American Graves Protection and Repatriation Act
- President Clinton's 1996 Executive Order 13007 on Indian sacred sites
- President Clinton's 2000 Executive Order 13175 on consultation and coordination with Indian tribal governments
- The 2010 permanent authorization of the Indian Health Care Improvement Act
- The 2010 Tribal Law and Order Act

49. In Ecuador, there are several laws that may affect indigenous peoples, including the Water Law, the Land and Mining Law, the Intercultural Bilingual Education Law and the Food Security Law. Burkina Faso and the Niger do not have laws or policies specifically designed for indigenous peoples. As previously stated, El Salvador has implemented specific actions in relation to indigenous peoples, including an agreement signed in July 2010 between the Secretary of Social Inclusion and the National Registry, the Corporation of Municipalities of the Republic of El Salvador and the Attorney General's Office, which grants indigenous peoples the right to be registered as indigenous peoples and regain their indigenous names, a practice which had been repressed since 1932.

50. In Peru, there are many laws that recognize the importance of safeguarding the rights of indigenous peoples. It is not possible to list them all but they may be found in the report by Peru. These laws include the following:

- Decree of Native Communities and Agrarian Development of the Selva and Ceja de Selva (1978)
- Regulations of the Law on the Protection of Indigenous Peoples in Isolation (2006)
- Act on Protecting Access to Peruvian Biological Diversity and Collective Indigenous Knowledge (2004)
- Law Establishing a Protection Regime for the Collective Knowledge of Indigenous Peoples Derived from Biological Resources (2002)
- Law on Private Investment in the Development of Economic Activities on National Territory and the Lands of Rural and Native Communities (1995)

51. The Plurinational State of Bolivia adopted five key laws in 2010 to strengthen the structure of the State and consolidate and expand the rights of indigenous peoples. These include:

- Act No. 027 of the Plurinational Constitutional Court
- Act No. 025 of the Judiciary
- Act No. 026 regulating the electoral regime
- Act No. 018 regulating the Plurinational Electoral Body
- Law No. 031, Framework Law on Autonomy and Decentralization

52. In Chile, there are many laws that recognize the importance of safeguarding the rights of indigenous peoples. It is not possible to list them all but they may be found in the report by Chile. These laws include:

- Supreme Decree No. 101 of the Ministry of Planning, establishing the Council of Ministers for Indigenous Affairs, July 2010
- Decree No. 97 of the General Secretariat of the Office of the President, appointing the Minister for the Coordination of Indigenous Affairs, September 2009
- Decree No. 236 of the Ministry of Foreign Affairs, promulgating International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, October 2008
- Decree No. 338 of the Ministry of Foreign Affairs, promulgating the support programme for the management of the National Indigenous Development Corporation, February 2005
- Decree No. 224 of the Ministry of Planning, declaring the "Alto Andino Arica-Parinacota zone" an indigenous development area, March 2005
- Act No. 19.253 (Indigenous Act) providing for regulations on the protection, promotion and development of indigenous peoples and the establishment of the National Indigenous Development Corporation, October 1993

VIII. National institutions (ministries, departments, ombudsmen) for indigenous peoples' issues

53. Historically, the United States Congress has given the Secretary of the Interior broad authority over Indian affairs, as reflected in Acts of Congress and often codified in Title 25 of the United States Code. In recent years, specialized authority has also been given to other parts of the executive branch of the federal Government, whose responsibilities are typically exercised in consultation with the United States Secretary of the Interior. Day-to-day operations of Indian affairs at the United States Department of the Interior are conducted by the Assistant Secretary for Indian Affairs and the United States Secretary of the Interior, which are Presidentially appointed and Senate-confirmed positions. The Obama Administration appointed a Senior Policy Adviser for Native American Affairs within the White House Domestic Policy Council. The official in that position coordinates issues within the White House and across the entire executive branch of the United States Government. The position is currently filled by Kimberly Teehee.

54. In Peru, the responsibility for indigenous peoples' issues falls under the Ministry of Culture, in particular the Vice-Ministry of Intercultural Affairs, which proposes mechanisms and develops policies that prevent the exclusion or discrimination of indigenous peoples in accordance with ILO Convention No. 169 and the Declaration. Other State structures have dedicated units that work on indigenous peoples' issues, including the Directorate of Intercultural, Bilingual and Rural Education, in the Ministry of Education; the Rural Development Division of the Ministry of Agriculture; the Ministry of Health; the Ministry of Energy and Mines; the Ministry of the Environment; the Ministry of Labour; the National Institute for the Defence of Competition and the Protection of Intellectual Property; the Council of Ministers; the Ombudsman; the Ministry of Foreign Affairs; the Ministry of Women and Social Development; and the Commission of the Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology. Further details on these ministries may be found in the report by Peru.

55. In El Salvador, three institutions are responsible for indigenous peoples, namely the Secretariat for Social Inclusion, the Secretariat for Culture (President's Office) and the Ministry of Foreign Affairs. In Burkina Faso, the Ministry for the Promotion of Human Rights is the State organization responsible for implementing national policy on the promotion and protection of human rights for all peoples in the country, including those who consider themselves indigenous peoples. In Ecuador, the Secretariat for Peoples, Social Movements and Citizen Participation is responsible for indigenous peoples' issues and is based in the Department of Peoples and Interculturalism.

56. In Chile, the main institution responsible for implementing indigenous peoples' policies is the National Indigenous Development Corporation, which was established pursuant to the Indigenous Act (1993), under the Ministry of Planning. The overall coordination of indigenous policy is conducted by the General Secretariat of the President's Office, which is responsible for developing the legislative agenda for the Government. There is also an effort to mainstream indigenous policies through the establishment of indigenous affairs units in all ministries and in the police department. In June 2010, the Council of Ministers for Indigenous Affairs was established; the Council advises the President on the design

and coordination of public policies for indigenous peoples. Further details may be found in the report by Chile.

IX. Formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants

57. A number of countries provided information on training programmes on indigenous peoples' issues for Government officials. In the United States, there are many federal Government agencies that have training courses for federal officials on federal Indian law and policy. One inter-agency example is a course developed during the previous administration entitled "Working effectively with tribal Governments".[10] The Government of Ecuador reported that it had signed agreements with universities to train public officials in indigenous peoples' issues. In El Salvador, the Ministry of Social Inclusion conducts workshops for civil servants on indigenous peoples' issues. There have also been a number of training activities in Chile for Governments and municipalities on indigenous peoples' issues as well as workshops for unit managers and regional ministries on indigenous affairs, to review and advance the inclusion of indigenous peoples in public policies and programmes. Further details may be found in the report provided by the Government of Chile. In Peru, the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples has agreements with universities on training Government officials in public policies and interculturalism. Workshops have also been held with school officials to advance the values of equal opportunity and tolerance, in order to eliminate the stigma and prejudice against indigenous peoples in Peru.

X. Promotion and/or implementation of the United Nations Declaration on the Rights of Indigenous Peoples

58. The document entitled "Announcement of United States support for the United Nations Declaration on the Rights of Indigenous Peoples: initiatives to promote the Government-to-Government relationship and improve the lives of indigenous peoples" explains the support of the United States for the Declaration.[11] In Ecuador, the Constitution welcomes the Declaration and ILO Convention No. 169 as well as other laws on civil and indigenous justice systems. Objective 8 of the "National plan of living well" is aimed at indigenous peoples and other nationalities as well as *sumak kawsay*.

59. Burkina Faso supported the adoption of the Declaration in the General Assembly in 2007. Its attendance at the Permanent Forum for the first time in 2010 demonstrates its stated desire to learn more about the rights of indigenous peoples. The Government of El Salvador voted in favour of the Declaration in the General Assembly in 2007, which clearly demonstrates that there is a will on the part of the Government to recognize the rights of indigenous peoples. The Ministry of Social Inclusion, in conjunction with the regional office of the United Nations High Commissioner for Human Rights, is scheduled to hold a forum to promote the

[10] See http://tribal.golearnportal.org/.

[11] See http://www.state.gov/documents/organization/153223.pdf.

Declaration in early 2011, with the participation of the Special Rapporteur on the rights of indigenous peoples via teleconference. In the Plurinational State of Bolivia, the Declaration became part of the legal structure of the State in 2007 and was included in the new Constitution enacted in February 2009.

60. In Peru, one of the functions of the Vice-Ministry of Intercultural Affairs within the Ministry of Culture is to promote and guarantee social equality and respect for the rights of the indigenous peoples of the country, in accordance with ILO Convention No. 169 and the Declaration. In addition, the Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology has been promoting initiatives to ensure full implementation of the Declaration.

61. The Government of Chile supported the adoption of the Declaration at the sixty-first session of the General Assembly in September 2007. Since 2009, it has been developing a joint project with the United Nations system on strengthening national capacities for the prevention and management of intercultural conflict in Chile, 2009-2011, which is based on the Declaration. The project involves all United Nations agencies, including ILO, which collaborates with the Government of Chile on the implementation of ILO Convention No. 169. As part of its efforts to promote international rights for indigenous peoples, Chile has been implementing and disseminating that Convention.

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Comprehensive dialogue with United Nations agencies and funds

Information received from the United Nations system and other intergovernmental organizations

Note by the secretariat

Summary

The present note contains a summary of the 14 reports submitted by the United Nations system and other intergovernmental organizations to the Permanent Forum on Indigenous Issues on the progress in the implementation of recommendations of the Permanent Forum. The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii).

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I. Introduction

1. In October 2010, the secretariat of the Permanent Forum on Indigenous Issues sent a questionnaire to United Nations agencies and other intergovernmental organizations enquiring about their activities in relation to indigenous peoples' issues. Responses were submitted in written form by the Department of Political Affairs and the Department of Public Information of the Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO), the secretariat of the Convention on Biological Diversity, the secretariat of the United Nations Framework Convention on Climate Change, the United Nations Children's Fund (UNICEF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Labour Organization (ILO) and the World Food Programme (WFP). The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii). Summaries of the responses are set out in the sections below.

II. Department of Political Affairs

2. The Department of Political Affairs is the lead department within the Secretariat devoted to political analysis, peacemaking and preventive diplomacy. It is often called upon to assist Governments in addressing political or institutional crises, social tensions or controversies involving neighbouring States. As part of its policy on mediation, the Department has incorporated the United Nations Development Group Guidelines on Indigenous Peoples' Issues into the information package for special envoys and mediators.

3. The Department of Political Affairs has hired an expert on indigenous peoples' land issues to support the work of the Mediation Support Unit's standby team of experts to develop guidance material and make an inventory of possible future needs in the area of technical support. In December 2010, the Department helped the Conflict Prevention and Peace Forum to organize a one-day meeting on the situation of indigenous peoples in Latin America.

III. Department of Public Information

4. The Department of Public Information worked in close cooperation with the secretariat of the Permanent Forum on Indigenous Issues in connection with three major events in 2010. In January 2010, the Department promoted the launch of the publication *State of the World's Indigenous Peoples*, producing a press kit in English, French, Russian and Spanish. United Nations information centres throughout the world organized media launches. The Department also published a multi-language press kit for the ninth session of the Permanent Forum; conducted media outreach; and supported the promotion and organization of a screening of the film *Avatar* during the session. It also supported the forum secretariat in showcasing indigenous film-makers during the observance of the International Day of the World's Indigenous People at United Nations Headquarters on 9 August.

5. The Department of Public Information highlighted indigenous issues by webcasting the meetings of the Permanent Forum on the United Nations website, and through the production of programming for United Nations Television and United Nations Radio. In 2010, the United Nations News Centre produced nearly 100 stories on indigenous peoples, in English and French. In addition, the Department, which has field offices in all seven regions covered by the Forum, organized activities in more than 20 United Nations information centres throughout the world to promote indigenous peoples' issues, including the activities carried out by the United Nations Information Centre in Bogota in support of the Forum visit to Colombia in July 2010.

IV. United Nations Population Fund

6. The activities of UNFPA have focused on promoting indigenous peoples' rights, including reproductive rights, through support for increased access for indigenous peoples to enhance quality "intercultural" reproductive health services, with an emphasis on pertinent policies, norms and improved services, aimed largely at addressing maternal mortality among indigenous women. UNFPA has also worked on supporting indigenous youth, and has contributed to advancing gender equality and empowerment among indigenous women and their organizations, while also targeting adolescents and other young people. Through research studies and the collection and dissemination of data and the promotion of their use, UNFPA has contributed to increasing the knowledge base regarding the situation of indigenous peoples, in particular women, in Latin America, Asia and Africa.

7. UNFPA is in the process of adopting a corporate strategy on indigenous issues. This strategy is grounded in the Universal Declaration of Human Rights, the United Nations Declaration of the Rights of Indigenous Peoples and other international human rights instruments. The goals of the resulting strategy are twofold: (a) to identify strategic priorities forming the core of UNFPA programming efforts related to indigenous peoples; and (b) to lay out the principal elements of an operational plan for implementing and following up on the framework, with emphasis placed on creating an enabling environment for indigenous peoples and networks, as well as on capacity development and partnership. The intention is to create a practical framework and establish a set of unified criteria for UNFPA programming and policymaking.

8. The UNFPA report on the follow-up to the recommendations of the Permanent Forum contains an overview of the Fund activities and programmes regarding indigenous peoples' issues in some 20 countries in Latin America and the Caribbean, Asia and Africa.

V. International Fund for Agricultural Development

9. IFAD approved 12 new projects supporting indigenous and tribal peoples, ethnic minorities and pastoralists, and three small grants formulated specifically to support indigenous peoples, amounting to a total of approximately $106.5 million. Ten other small grants approved by IFAD targeted indigenous peoples as part of a larger beneficiary group of rural people living in poverty.

10. IFAD also maintained its active role within the Inter-Agency Support Group for Indigenous Peoples' Issues and continued its strong partnership with the Permanent Forum. The Fund's policy of engagement with indigenous peoples provides for the principle of free, prior and informed consent to be systematically applied in all of its operations. In its work with indigenous peoples' communities, IFAD often goes beyond mere "consent", in particular in the context of community-driven projects. The participation and inclusion of indigenous peoples often take the form of co-creation and co-management, whereby communities decide their own priorities on the basis of a demand-driven approach.

11. At its ninth session, the Permanent Forum recommended that IFAD establish an indigenous peoples' forum as part of the implementation of its policy on indigenous peoples. In 2010 the Fund initiated a process leading towards the establishment of such a forum. The first step towards its establishment was a two-day workshop organized at IFAD headquarters on 17 and 18 February 2011. The overall aim of the indigenous peoples' forum is to advance the participation of indigenous peoples in IFAD discussions and programmes that have an impact on them. IFAD also carried out a number of activities in support of indigenous women, including supporting the first Global Gathering of Women Pastoralists, in Gujarat, India, in November 2010.

VI. World Intellectual Property Organization

12. Negotiations are currently under way regarding an international legal instrument (or instruments) for the effective protection of genetic resources, traditional knowledge and traditional cultural expressions in the framework of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Committee is to submit to the General Assembly of WIPO in 2011 the text (or texts) of an international legal instrument (or instruments) to ensure the effective protection of genetic resources, traditional knowledge and traditional cultural expressions.

13. States Members of WIPO have stressed the priority attached to facilitating and enhancing the participation and direct involvement of the Permanent Forum and indigenous representatives in the work of WIPO and its Intergovernmental Committee. Accordingly, WIPO has extended a formal invitation to the Forum to take part in sessions of the Committee. A fast-track accreditation procedure for all non-governmental organizations, including indigenous organizations, has been in place since the first session of the Committee, in 2001. In 2005, the General Assembly of WIPO established the WIPO Voluntary Fund for Accredited Indigenous and Local Communities in order to enhance participation in the sessions. As of December 2010, funding had been provided in 99 instances. A replenishment campaign has been launched in order to ensure the continuity of the Fund, at least until the end of the current (2010-2011) mandate.

VII. World Health Organization

14. WHO organized and hosted the annual meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues at the organization's headquarters on 16 and 17 September 2010, at which the link between the health of indigenous peoples and

economics and social development in a broader context was addressed. WHO also hosted a visit by members of the Permanent Forum to its headquarters on 15 September 2010, which strengthened the involvement of a number of WHO departments.

15. Although WHO does not have a specific policy on indigenous peoples' issues, a number of World Health Assembly resolutions mandate the organization specifically to address the health of indigenous peoples. Accordingly, WHO is involved in a number of projects and research initiatives in cooperation with indigenous peoples, including the "Stop TB" initiative, which has enjoyed the support of the Permanent Forum. The full report of WHO contains information about a number of other activities conducted by WHO at both the headquarters and the regional levels.

VIII. Secretariat of the Convention on Biological Diversity

16. A major accomplishment at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity was the adoption of the Nagoya Protocol to the Convention, on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization. Indigenous and local communities participated, including through representation in Government delegations, throughout the negotiation process. The purpose of the Protocol is to effectively implement one of the three core objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. It builds on the access and benefit-sharing provisions of the Convention.

17. Regarding article 8 (j) of the Convention and related provisions, the Conference of the Parties requested the secretariat to continue its work on sui generis systems by collating and analysing information, including evidence about the effectiveness of sui generis measures that have been taken at the local, subnational, national or regional levels. An essential element of sui generis systems is prior and informed consent.

18. Also at its tenth meeting, the Conference of the Parties finalized negotiations on and adopted the Code of Ethical Conduct on respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity ("Tkarihwaié:ri Code of Ethical Conduct"), and invited parties and Governments to make use of its elements to guide the development of model codes of ethical conduct for research on, access to and the use, exchange and management of information concerning traditional knowledge. The Code of Conduct provides for prior informed consent and/or approval and involvement.

19. The Conference of the Parties also adopted a revised multi-year programme of work relating to article 8 (j). This included the initiation of new tasks related to the recently adopted Nagoya Protocol and its implementation, such as: (a) developing guidelines for benefit-sharing and obtaining prior informed consent from indigenous and local communities; (b) identifying the obligations of provider and user countries; and (c) developing guidelines for the national implementation of article 8 (j) and related provisions and standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources. The Conference of the Parties also decided to initiate work on the

development of guidelines for the repatriation of information, including cultural property.

20. The Conference of the Parties also adopted two additional indicators regarding traditional knowledge to complement the indicator already adopted on status and trends in traditional languages: (a) status and trends in land-use and land tenure in the traditional territories of indigenous and local communities and (b) status and trends in practice of traditional occupations. Future work in this area will include the consideration of indicators for customary sustainable use (article 10 (c)).

IX. International Organization for Migration

21. Over the past year, 56 projects have been implemented by IOM in Colombia and Ecuador with respect to indigenous peoples' issues. Projects implemented by OAM in 2010 to assist indigenous peoples' communities were aimed at improving food security conditions and access to education, enhancing income generation and promoting institutional strengthening. Under the IOM internally displaced population programme in Colombia, a total of 24 projects were targeted at improving living conditions within indigenous communities. Under the programme to support child ex-combatants and prevent the recruitment of children by illegal armed groups, IOM implemented a total of 20 projects in Colombia aimed at preventing the recruitment of indigenous children by illegal armed groups. IOM has also worked with local organizations to mitigate the effects of violence and forced displacement on indigenous families under IOM-Colombia disarmament, demobilization, reintegration and reparations programme.

22. The IOM land protection programme has worked with indigenous communities in Colombia since 2005. In 2010, the programme published a guide for the protection of indigenous peoples' rights to their lands. A training plan was also targeted at governmental institutions in charge of the protection of indigenous territories. Under the project, a methodology was designed for processing applications to secure indigenous peoples' rights to their territories. In Ecuador, IOM projects have focused on access to potable water and sanitation. The full report from IOM contains more detailed information on these and other activities.

X. World Food Programme

23. WFP assistance is based on food insecurity, not on the social or ethnic/cultural status of an individual. Therefore, at the global level, WFP does not have specific programmes aimed at indigenous peoples, unless they are food-insecure. In the Congo, WFP is currently providing assistance to pygmies, many of whom are refugees from the Democratic Republic of the Congo. Recognizing their marginalized and vulnerable situation, WFP has considered various measures to prevent discrimination against pygmies during the distribution of food to refugees. Other efforts are aimed at supporting the new law of the Government of the Congo on the protection and promotion of the rights of indigenous peoples in the country. In the Democratic Republic of the Congo, similar efforts have been made by WFP to ensure that its assistance reaches the pygmy peoples, despite their marginalized status.

XI. United Nations Framework Convention on Climate Change

24. The secretariat of the United Nations Framework Convention on Climate Change reports that its implementation of the recommendations of the Permanent Forum is guided primarily by the mandate given by States parties, as well as the commitment of the President of the Conference of the Parties. At its ninth session, the Permanent Forum made a recommendation to the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. The progress made on this front can be seen in the many references to indigenous peoples' issues contained in the decision on the outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, adopted at the sixteenth session of the Conference of the Parties and the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol. At the same sessions, the Conference of the Parties adopted a decision entitled "Progress in, and ways to enhance, the implementation of the amended New Delhi work programme on article 6 of the Convention", in which the parties are invited to undertake a number of actions, including fostering the participation of indigenous peoples in decision-making on climate change at the national level and their attendance at intergovernmental meetings.

XII. Food and Agriculture Organization of the United Nations

25. In August 2010, FAO took a major step forward in its work with indigenous peoples when it adopted its policy on indigenous and tribal peoples. The policy was prepared through a collaborative and global effort involving the FAO inter-departmental working group on indigenous issues, in close consultation with indigenous representatives, the Permanent Forum on Indigenous Issues, FAO management and staff, other United Nations agencies and numerous individual experts, including the former United Nations Special Rapporteur on the Rights of Indigenous Peoples. It is based on international legal instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and guides FAO work concerning indigenous peoples.

26. FAO engagement on indigenous issues has been increasing in recent years, motivated by the growing affirmation of indigenous rights around the world, and in response to strengthened commitments on the part of national authorities. Implementation of the recommendations of the Permanent Forum is taken very seriously. Most of them have been taken up over the years, with some being carried out through projects and activities that are ongoing. Projects are implemented in many countries with which FAO has an ongoing collaboration and where indigenous communities live. Many FAO projects build on skills, knowledge, capacities and institutions which people already have and which can form the basis of greater and more secure food production and/or income-generating activity.

27. Many FAO projects which relate to indigenous peoples and the environment do so in their promotion of biological and cultural diversity as the underpinnings of food and livelihood security as well as quality of life. The most exemplary of these is the ongoing Globally Important Agricultural Heritage Systems project. The aim of this initiative is to reinforce the underlying ecological and socio-cultural features that have sustained these systems throughout history.

XIII. United Nations Children's Fund

28. UNICEF is actively engaged with the Permanent Forum and is an integral member of the Inter-Agency Support Group on Indigenous Peoples' Issues. Guided by the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, UNICEF is very active at the national level. The Fund's field presence places the organization in a strategic position to promote and protect the rights of marginalized and excluded children and women, including those from indigenous backgrounds.

29. Despite widespread efforts with and for indigenous children, UNICEF action currently lacks a specific organizational policy defining the Fund's position with respect to indigenous issues, the nature of its commitment and the specific processes that guide its work. A strategic framework on indigenous children would help to convey the commitment of UNICEF to working with indigenous peoples, give visibility to its activities and provide a framework for stronger support. The Fund's priority in 2011 will be the development of a programme strategy on indigenous and minority issues to guide country offices in programming in this field.

30. UNICEF is implementing a number of recommendations of the Permanent Forum on issues such as migration, climate change, adolescent suicide, reproductive health services, intercultural bilingual education, data collection and birth registration. UNICEF will be participating in an in-depth dialogue with the Permanent Forum at its tenth session, and has prepared an overview of its activities, which is contained in document E/C.19/2011/7.

XIV. Joint United Nations Programme on HIV/AIDS

31. Indigenous peoples constitute a population that is often stigmatized, subjected to discrimination and difficult to reach with programmes and services. This reality explains in part why there is little data on how HIV affects indigenous peoples and why its incidence among them is often higher than it is among non-indigenous peoples. In an effort to more systematically track HIV-related vulnerability among and programming for indigenous peoples, the current survey of UNAIDS country coordinators includes questions regarding how countries are reaching indigenous peoples with HIV prevention, care, support and treatment services, and the role of the United Nations in supporting those efforts.

32. Since its inception, UNAIDS has assisted countries in putting in place a human-rights-based approach to the epidemic. UNAIDS is also guided by the principle "know your epidemic, know your response", which informs action and investment in HIV prevention, treatment, care and support. The analysis of the 2010 survey of UNAIDS country coordinators will inform future decisions about possible capacity-building programmes relating to indigenous peoples' issues for the benefit of UNAIDS headquarters and country staff.

XV. International Labour Organization

33. In 2010, ILO, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme established a joint initiative, the United Nations Indigenous Peoples' Partnership. This inter-agency initiative will focus on joint programmes at the country level, with strategic interventions at the regional and international levels. In the spirit of "delivering as one", the partnership will be open to other United Nations agencies, and United Nations resident coordinators will have a strategic role to play in providing support and leadership and ensuring coordination within the United Nations country teams, as well as its inclusion in common country assessments and United Nations Development Assistance Frameworks. The three initiating agencies have also established a multi-donor trust fund to mobilize and manage resources, which will be used under the guidance of a policy board, which will include indigenous experts in consultation with the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples. The partnership is expected to be fully operational early in 2012.

34. In response to a recommendation by the Permanent Forum, ILO has invested time and resources in the preparation of a draft report on indigenous experts employed within the United Nations system, which is being finalized and will be submitted to the United Nations Permanent Forum on Indigenous Issues.

35. ILO has a specific normative mandate in the area of indigenous peoples' rights, through its responsibility for the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, of 1957 (No. 107), and the Convention concerning Indigenous and Tribal Peoples in Independent Countries, of 1989 (No. 169). A number of other ILO instruments are indirectly related to the protection of the rights of indigenous peoples, including the Convention concerning Discrimination in Respect of Employment and Occupation, of 1958 (No. 111); the Convention concerning Forced or Compulsory Labour, of 1930 (No. 29); the Convention concerning the Abolition of Forced Labour, of 1957 (No. 105); the Convention concerning Minimum Age for Admission to Employment, of 1973 (No. 138); and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 1999 (No. 182). These instruments are among the organization's fundamental Conventions, and as such they are of relevance to indigenous peoples. Moreover, they have been very broadly ratified by the States members of ILO, and therefore can be used by indigenous peoples as tools for the protection of their rights in countries that have not yet ratified Convention No. 169, which, to date, has been ratified by 22 countries, following the latest ratifications in August 2010 by Nicaragua and the Central African Republic. The latter is the first African country to have ratified Convention No. 169.

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Report on the annual meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues

Submitted by the World Health Organization

Summary

The 2010 meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues was convened in Geneva on 16 and 17 September 2010. It was hosted by the World Health Organization in accordance with the Support Group's terms of reference and the practice established in 2002 of rotating the chair annually among its members. The theme of the meeting was "Indigenous peoples' health".

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I. Introduction

1. The 2010 meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues was convened in Geneva on 16 and 17 September 2010 and hosted by the World Health Organization (WHO) in accordance with the Support Group's terms of reference and the practice established in 2002 of rotating the chair annually among its members. Participants included Support Group members, a wide range of WHO staff and selected speakers. The theme of the meeting was "Indigenous peoples' health".

2. The annual meeting was held just prior to the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, and participants called for action to ensure that the last push for achieving the Goals would contribute significantly to the improvement of indigenous peoples' health. Contributing factors to the alarming state of indigenous peoples' health worldwide were discussed, and agreements on follow-up were reached, in order to chart the way forward. A review of the Forum's ninth session was also held,[1] followed by discussions on the preparations for the tenth session and on the Support Group's tasks and priorities.

A. Meeting objectives

3. The objectives of the meeting were to:

(a) Provide a forum for reviewing available data and ongoing experiences in relation to indigenous peoples' health worldwide and explore possibilities for increased collaboration among Group members;

(b) Explore and share good practices in addressing indigenous peoples' health to catalyse and inspire increased action in countries;

(c) Review the status of implementation of the recommendations of the Support Group and the Permanent Forum.

4. Agenda items included panels on selected health issues; a review of the ninth session; preparation for the tenth session; indicators for advancing the rights of indigenous peoples; training and technical support, the regionalization of inter-agency work, orientation and support by the Support Group for new Forum members; coordination of key United Nations human rights mechanisms relevant to indigenous peoples' issues; knowledge management and information-sharing.

B. Participation and official opening

5. Representatives of the following United Nations agencies, multilateral organizations, international financial organizations, Governments and non-governmental organizations participated in the meeting: Fondo Indígena; Food and Agriculture Organization of the United Nations (FAO); First Nations and Inuit Health Branch at Health Canada; Permanent Mission of Canada; International Fund for Agricultural Development (IFAD); International Labour Organization (ILO);

[1] Detailed information on the ninth session is available from http://www.un.org/esa/socdev/unpfii/en/session_ninth.html.

International Organization for Migration (IOM); Māori Smokefree Coalition (New Zealand); Office of the United Nations High Commissioner for Human Rights (OHCHR); secretariat of the Permanent Forum; United Nations Children's Fund (UNICEF); United Nations Development Programme (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Environment Programme (UNEP); United Nations Human Settlements Programme (UN-Habitat); United Nations Institute for Training and Research (UNITAR); United Nations Population Fund (UNFPA); World Bank; World Health Organization (WHO), including its regional offices for Africa and the Americas (Pan American Health Organization); World Intellectual Property Organization (WIPO); and Joint United Nations Programme on HIV/AIDS (UNAIDS).

6. Forum members Carlos Mamani Condori (Chair), Victoria Tauli-Corpuz and Liliane Muzangi Mbela also participated in the meeting. The Expert Mechanism on the Rights of Indigenous Peoples was represented by José Carlos Morales (Chair).

7. The meeting was opened by Ties Boerma, Acting Assistant Director-General, Information, Evidence and Research Cluster, WHO. He stressed the commitment of WHO to improving indigenous peoples' health and noted the challenge of the absence of data collection in countries on indigenous peoples' health issues. The keynote address was delivered by Michelle Kovacevic, Acting Assistant Deputy Minister, First Nations and Inuit Health Branch, Health Canada. She emphasized that community capacity development was a key component in addressing many of the health issues of indigenous peoples. She also stressed the importance of sharing best practices and experiences among countries and of sharing work at the international level on indigenous peoples' health issues among organizations. Carlos Mamani Condori, Chair of the Permanent Forum, and Laetitia Zobel, outgoing Co-Chair of the Inter-Agency Support Group on Indigenous Peoples' Issues, also provided remarks on behalf of UNEP and UN-Habitat as outgoing co-chairs of the Support Group.

II. The health of indigenous peoples

A. Overview of indigenous issues in the United Nations system

8. Following the official opening, an overview of the Permanent Forum and the Inter-Agency Support Group on Indigenous Peoples' Issues was provided by Sonia Smallacombe of the Permanent Forum secretariat. Subsequent presentations outlining specific policies, guidelines or experiences of United Nations agencies were also given. These included:

(a) Antonella Cordone (IFAD) gave a presentation on the Fund's long history of engagement with indigenous peoples, focusing on loans and microgrants at the country level, as well as international advocacy and policy dialogue. This recently culminated in the approval of an IFAD policy which aimed to enhance effective engagement with indigenous peoples in rural areas and empower them to overcome poverty by building upon their identity and culture;

(b) Regina Laub (FAO) gave a presentation on an FAO policy on indigenous peoples' issues adopted in 2010. FAO was now looking towards its implementation, which might include the development of guidelines on how to integrate indigenous issues into FAO projects and programmes.

9. Helena Nygren-Krug gave an overview of the mandate of WHO to work on indigenous peoples' issues. She stated that WHO was mandated to devote special attention to indigenous peoples' health through a number of World Health Assembly resolutions. In particular, resolution 54.16 (2001) requested WHO to strengthen the partnership with indigenous peoples in all appropriate WHO activities.[2]

10. Myrna Cunningham from Fondo Indígena concluded the panel discussion by providing an overview of the health of the world's indigenous peoples. The significant gap between the health of indigenous peoples and that of the general population was noted. She accredited the causes for the deficient state of health of the world's indigenous peoples to, among other things, a lack of delivery of services and a failure to address the broader determinants of health. For example, the uncertainty of rights to land and related issues were mentioned as having negative repercussions on the health of indigenous peoples. It was noted that disaggregated data was essential to make informed policy decisions to address health issues of indigenous peoples.[3]

B. Presentations on selected health topics

11. Two panels chaired by WHO focused on explaining a wide range of issues where indigenous peoples bore a disproportionate burden of adverse health conditions. It was noted that interventions to address those issues needed to be culturally sensitive and participatory. ILO pointed to the range of provisions in its Indigenous and Tribal Peoples Convention, 1989 (No. 169) that addressed health specifically or implicitly. Presentations were made on the following issues:

(a) Tobacco use: Edouard Tursan d'Espaignet and Mia Bromley (WHO) presented statistics concerning the prevalence of tobacco use among indigenous peoples in Australia, Canada, New Zealand and parts of Latin America, as well as examples of successful national interventions;

(b) Violence and injury: Christopher Mikton (WHO) addressed violence and injury as a leading cause of mortality and morbidity among indigenous peoples. These were preventable upon the implementation of strategies that built partnerships; provided training, funds and technical assistance; were culturally sensitive; and avoided patronizing, discriminating or stigmatizing indigenous peoples;

(c) Suicide: Alexandra Fleischmann (WHO) discussed the often stated elevated suicide rates among indigenous communities in comparison to the general population. Effective public health interventions for suicide prevention were conducted at three levels:

i. First-degree prevention: reduction of access to means of suicide (pesticides, firearms, etc.), reduction of availability of alcohol, and responsible and "deglamourized" media reporting;

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[2] For information on the mandate of WHO and action taken with respect to indigenous peoples' health, see http://www.who.int/hhr/activities/indigenous_peoples/en/index.html.

[3] An overview of the findings of Ms. Cunningham are outlined in the 2009 United Nations publication, *State of the World's Indigenous Peoples*, chap. 5: Health; see http://www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf.

ii. Second-degree prevention: treatment of people with mental, neurological and substance use disorders;

iii. Third-degree prevention: interventions to follow up on individuals who had attempted suicide;

(d) Progress on a study by UNICEF on indigenous adolescent suicide was presented by Esther Ruíz Entrena of UNICEF. In order to follow up on the Permanent Forum's recommendation to the Inter-Agency Support Group on Indigenous Peoples' Issues regarding the need to hold a seminar on policies and practices to prevent suicide among indigenous children, adolescents and young people, UNICEF decided that it first was necessary to conduct research on the situation of suicide among this group from cultural and collective perspectives;

(e) Funding projects addressing indigenous peoples' health were presented by Antonella Cordone of IFAD. Experiences from micro-projects financed through the IFAD Indigenous Peoples Assistance Facility were shared. Key aspects of the approach taken in these projects were culturally oriented solutions to health issues, the use of traditional knowledge, and local resources and awareness-raising;

(f) Research, measurement and analysis issues concerning indigenous peoples' health: Ritu Sadana (WHO) highlighted the upcoming *World Health Report 2010* on health systems financing. A review of health coverage for indigenous populations in Australia, Canada, New Zealand and the United States of America demonstrated large disparities between indigenous peoples and the general population in terms of out-of-pocket payments and access to private health insurance. In advancing towards universal health coverage, country-specific approaches to research, measurement and analysis, as well as collaborative partnerships with indigenous peoples based on respect and trust, were considered essential;

(g) Reproductive health and research: Sheryl Vanderpoel (WHO) gave a presentation on safeguarding reproductive rights, addressing barriers to care and achieving empowerment and equity to meet the fertility intentions of indigenous peoples;

(h) Sexual and reproductive health: Sonia Martinelli-Heckadon (Regional Office for Latin America and the Caribbean of UNFPA) and Jaana Keitaanranta (IFAD) discussed a collaborative IFAD/UNFPA project for the Ngöbe-Buglé territory and adjoining districts in Panama to improve the sexual and reproductive health and rights of indigenous peoples through the promotion of gender equality, community empowerment and the development of a reproductive health-care model. This model was aimed at addressing "the four delays": the delay in recognizing signs of complications; the delay in deciding to go to health services; the delay in getting to the health service; and the delay in receiving the proper quality of care. With respect to the stages of implementation, the following essential components were discussed: an intercultural approach to reproductive health; a gender perspective and human rights-based approach; community involvement; and political advocacy among national, local and traditional authorities;

(i) HIV/AIDS and health systems: Esther Ruíz Entrena (UNICEF) indicated that priority was given to preventing mother-to-child transmission, rapid testing and HIV prevention among indigenous adolescents and young people in the Latin American region;

(j) Tuberculosis: Elisabetta Minelli (WHO) stated that in the few industrialized countries where disaggregated data was available, the incidence of tuberculosis and mortality rates were several times higher among indigenous peoples than the general population. In countries and regions for which such data was not available, the inequities might be higher still. Consultations with representatives of indigenous communities and tuberculosis experts over the past two years had resulted in the creation of the "Global Indigenous Stop TB (tuberculosis) Initiative"; WHO and the Stop TB Partnership were represented on the steering committee for this Initiative;

(k) Yaws among pygmies in the region of Central Africa: Kingsley Asiedu (WHO) discussed a UNICEF/WHO initiative in the Congo and Cameroon to combat the high prevalence of yaws in the region. Although yaws was easily preventable, there were challenges in treating the disease, including the fact that the pygmies in the region of Central Africa were a neglected peoples with limited geographical access; the general lack of political will to tackle the social and health problems of the population; and inadequate funds;

(l) Traditional medicines: Zhang Qi (WHO) discussed the new trend of traditional medicines being used in developed and developing countries for primary, complementary or alternative health care.

C. Good practices in addressing indigenous peoples' health

12. The Māori Smokefree Coalition (a non-governmental organization) chaired the third session, on good practices in addressing indigenous peoples' health. Presentations on a number of programmes aimed at improving indigenous health outcomes included the following:

(a) Sonia Martinelli (Regional Office for Latin America and the Caribbean of UNFPA) gave a presentation on the Fund's experience with good practices for sexual and reproductive health among indigenous communities in Latin America. The importance of understanding what the concept of health meant to an indigenous community was essential, as was the need for a continuous dialogue between conventional medicine and traditional medicinal knowledge;

(b) Itziar Gómez Carrasco (UNESCO) gave a presentation on culturally appropriate HIV and AIDS responses that entailed a process of engagement with indigenous communities. The process was gender-sensitive, human rights-based and built on a thorough analysis of the cultural and social specificities of the communities concerned (for example, poverty, marginalization, lack of political and social power, limited access to health care and geographical isolation). Toolkits designed to support the development of culturally appropriate HIV and AIDS programmes, including an interactive e-learning programme and a publication entitled "We are all in the same boat!", to address HIV/AIDS-related stigma and discrimination were shared;[4]

(c) Cristina Leria (Pan American Health Organization/WHO) discussed the strategies of the Pan American Health Organization for improving the health conditions of indigenous peoples in the Americas which used a multidisciplinary

[4] For more information, see www.unesco.org/culture/aids.

approach, established adequate legal frameworks that prioritized the development of indigenous peoples and consolidated intra- and inter-sectoral cooperation.[5] Guiding principles of the Pan American Health Organization's indigenous peoples' health initiative included: the need for a holistic approach to health; the right of indigenous peoples to self-determination; respect for and the revitalization of indigenous cultures; reciprocity in relations and the right of indigenous peoples to systematic participation.

13. The meaning of good practices was discussed and experiences were shared. Jason Sigurdson (UNAIDS) discussed key lessons from the Programme's experiences with respect to good practices for HIV/AIDS issues. These included the importance of focusing on capturing the broadest possible range of good outcomes, for example, not only measuring good outcomes based on reductions in infections but also reductions in stigma; and the importance of working in partnership with the community and of sharing knowledge and information. OHCHR underscored the importance of indigenous rights informing good practices. ILO highlighted the adoption of its Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200) as an important instrument that could be used in this context. The panel concluded by recommending that the Inter-Agency Support Group on Indigenous Peoples' Issues, under the leadership of WHO, should develop a guide on indigenous peoples' health which would include good practices and be informed by indigenous rights principles such as participation, cultural sensitivity and self-determination.

14. Liliane Muzangi Mbela (Permanent Forum) provided a closing address in which she emphasized the importance of the intercultural approach, disaggregated data and the role of champions to address issues surrounding indigenous peoples' health.

III. Meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues

A. Feedback on discussion from the previous day

15. The secretariat of the Permanent Forum summarized the key findings as follows: the importance of United Nations agencies having a framework or policy on indigenous peoples, the challenge of the identification of indigenous peoples in many countries and the need to develop standardized data-collection methodologies and to support countries in collecting data on appropriate indicators.

B. Review of the ninth session of the Permanent Forum, April 2010

16. The secretariat of the Permanent Forum presented recommendations from previous sessions. Agreed actions included the following:

(a) UNFPA will provide details of the joint studies on indigenous female migrants conducted by its Regional Office for Latin America and the Caribbean and IOM. Inter-Agency Support Group on Indigenous Peoples' Issues members will

[5] For more information, see www.paho.org.

provide information regarding the migration of indigenous women within and beyond national borders to the secretariat of the Permanent Forum, which will investigate the studies and inform the Support Group accordingly;[6]

(b) All Support Group members are requested to review the report on indigenous peoples and forests;[7]

(c) UNEP is to provide an update to IOM on the discussions between UN-Habitat and IOM regarding the nexus between indigenous peoples and migration;[8]

(d) Reporting on Forum recommendations made to individual agencies and not just the Support Group as a whole will be added as a standing item on the agenda of future Forum and Support Group meetings so that all members of the Support Group can come prepared to provide an update on progress;[9]

(e) The Permanent Forum secretariat will follow up with UNAIDS to attend future Support Group and Permanent Forum meetings,

(f) UNICEF is to provide information to Support Group members on working successfully with children and youth.[10] During the ninth session, UNDP, IFAD and UNFPA mentioned surveys being carried out by the respective agencies with a strong focus on youth. UNEP also reported working with indigenous youth experts. UNICEF, in partnership with WHO and UNFPA, is to take the lead on the work around indigenous children and youth;[11]

(g) IFAD is to identify a mechanism for identifying training opportunities;[12]

(h) The development of an international network on gender involving the Support Group, UNFPA, IFAD and UNICEF was recommended. The Pan American

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[6] The Permanent Forum recommended various initiatives to address the lack of reliable data on this issue. See E/2004/43-E/C.19/2004/23, para. 12.

[7] The Forum appointed Ms. Tauli-Corpuz as the Special Rapporteur to prepare and widely circulate reports on relevant thematic issues relating to sustainable development. See E/2007/43-E/C.19/2007/12, paras. 13 and 14.

[8] The Forum requested further inter-agency cooperation and collaboration regarding data collection and case studies on indigenous peoples and migration in order to promote capacity-building projects dealing with the migration of indigenous peoples. See E/2006/43-E/C.19/2006/11, para. 17.

[9] The Forum welcomed this initiative to ensure that the recommendations of the Forum are implemented by United Nations bodies and organizations. See E/2006/43-E/C.19/2006/11, para. 144.

[10] See E/2003/43-E/C.19/2003/22, para. 7.

[11] The Forum recommended that the Support Group should discuss policies and best practices for engaging indigenous youth and children in the prevention of suicide and report back to the Forum. See E/2005/43-E/C.19/2005/9, para. 96.

[12] The Forum welcomed the efforts of the United Nations system to support the United Nations Development Group guidelines for indigenous peoples' issues with a programme of action to bring the United Nations normative framework on indigenous peoples to the field level. See E/2008/43-E/C.19/2008/13, para. 103.

Health Organization reported on an existing group that convenes to address gender issues.[13] UNFPA is to disseminate a technical note on gender;

(i) OHCHR will circulate the terms of reference for the indigenous peoples' partnership.

C. Discussion of preparations for the 2011 Permanent Forum

17. WHO chaired the discussion on preparations for the tenth session of the Permanent Forum, which is due to be held in New York from 16 to 27 May 2011. The secretariat advised that three areas would be reviewed at the session, namely economic and social development, the environment, and free, prior and informed consent, and that there would be a geographical focus on Central and South America and the Caribbean. At the session, a report on the Permanent Forum's visit to Colombia (2010) will be presented.

18. Support Group members agreed to promote the United Nations Conference on Sustainable Development (Rio+20) in 2012 to ensure strong indigenous representation. The secretariat of the Permanent Forum is to provide an update on the Forum's mission to Paraguay and the Plurinational State of Bolivia.

D. Discussion on the tasks and priorities of the Inter-Agency Support Group on Indigenous Peoples' Issues

19. OHCHR chaired the discussions regarding the use of indicators to advance the rights of indigenous peoples in the light of a technical workshop co-organized by the Forum secretariat and ILO on this issue.[14] It was important not to develop indicators in isolation of Governments. The importance of the need to include indigenous-specific indicators on issues related to land use, language vibrancy, sustainability and customary resources was also noted.

20. IFAD chaired the session on training and technical support. UNITAR gave a presentation on its peacemaking and conflict prevention programme.[15] Reports regarding current training programmes, fellowships and other opportunities were presented by the Forum secretariat, OHCHR, the Economic Commission for Latin America and the Caribbean (ECLAC), IFAD, ILO and Fondo Indígena. OHCHR requested expressions of interest from agencies willing to mentor young indigenous peoples in the context of their fellowship programmes. The importance of providing training and technical support to young indigenous people was recognized by Support Group members.

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[13] The Permanent Forum recommended that relevant United Nations bodies and agencies, States and indigenous peoples should conduct assessments of the extent to which they have advanced the recommendations of the Forum on indigenous women, utilizing the framework of the Declaration, as set out by the International Indigenous Women's Forum. Action for the immediate implementation of these recommendations is required by all. See E/2009/43-E/C.19/2009/14, para. 33.

[14] The technical expert workshop, co-organized by OHCHR, ILO and the Forum secretariat was held on 20 and 21 September 2010. The aim was to take stock of the various efforts to develop indicators on indigenous peoples' rights.

[15] See http://www.unitar.org/pmcp.

21. IFAD chaired a discussion on the regionalization of inter-agency work. UNICEF and the Pan American Health Organization presented information on the development of regional structures in Latin America. These were mentioned as being a potential model for the development of regional structures elsewhere, in particular in the African region. UNEP and ILO agreed to prepare terms of reference for the regionalization of work in Africa to be presented at the next Support Group meeting in 2011. UNICEF suggested that each agency should commit to adopting a regional approach.

22. IFAD volunteered to collate and disseminate a document containing the 12-month workplans of Support Group members on indigenous issues, to facilitate the sharing of information on training and programme initiatives.

23. IFAD also chaired the session on the orientation and support provided by the Inter-Agency Support Group on Indigenous Peoples' Issues to new Forum members. It was agreed that it would serve new members well to participate in orientation sessions during the Forum's tenth session in New York. It was further suggested that the Support Group should pool resources to increase the participation of indigenous peoples in the Permanent Forum.

24. OHCHR and the Expert Mechanism on the Rights of Indigenous Peoples led the discussion on the coordination of key United Nations human rights mechanisms relevant to indigenous issues. The chair of the Expert Mechanism explained the interaction and opportunities for further synergy and coherence among the Expert Mechanism,[16] the Special Rapporteur on the rights of indigenous peoples[17] and the Permanent Forum.[18]

25. With respect to coordination, knowledge management and information-sharing, Fondo Indígena provided an overview of its work. Myrna Cunningham noted the importance of strengthening traditional institutions and building a relationship between the Government and the indigenous community. In moving forward, she stressed the need for WHO to develop a set of criteria or a compilation of good practices setting out how Governments could improve indigenous peoples' health based upon human rights principles such as participation, equality and self-determination.

IV. Closure of the meeting

26. Members of the Permanent Forum and the Support Group thanked WHO for the substantive nature of the meeting, the high quality of the preparations and the efficient and friendly organizational arrangements.

27. The Support Group recognized the work of Elsa Stamatopoulou, former chief of the Permanent Forum secretariat, for all her dedication and tremendous support to the Support Group.

28. The Support Group congratulated FAO on the adoption of its policy on indigenous peoples in 2008.

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[16] See http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/index.htm.

[17] See http://www2.ohchr.org/english/issues/indigenous/rapporteur.

[18] See http://www.un.org/esa/socdev/unpfii/.

29. Rüdiger Krech (WHO) thanked the Permanent Forum, the Support Group and the interpreters for their participation and his colleagues in the Department of Ethics, Equity, Trade and Human Rights for organizing the meeting. Carlos Mamani Condori (Permanent Forum) thanked WHO for hosting the meeting and recognized that it had provided a forum to focus on the important issue of indigenous peoples' health. Mr. Mamani stated that the Forum looked forward to working closely with the Support Group to take forward the agreed recommendations and actions.

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Permanent Forum on Indigenous Issues
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Item 3 (a) of the provisional agenda*
Follow-up to the recommendations of the Permanent Forum: economic and social development

Report of the international technical expert meeting on the theme "Keeping track: indicators, mechanisms and data for assessing the implementation of indigenous peoples' rights"

Submitted by the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the secretariat of the Permanent Forum on Indigenous Issues

Summary

At its eighth session, the Permanent Forum on Indigenous Issues recommended that the Inter-Agency Support Group on Indigenous Peoples' Issues should convene an international technical expert seminar on indicators of the well-being of indigenous peoples. In response to that recommendation, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the secretariat of the Permanent Forum on Indigenous Issues organized an international expert seminar in Geneva on 20 and 21 September 2010 to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The present report contains background information and the key conclusions and recommendations of the meeting. A full report of the meeting is available from www.un.org/esa/socdev/unpfii/en/session_tenth.html.

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I. Introduction

1. Since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007, the efforts of Governments, indigenous peoples and the United Nations system have been oriented towards the implementation of indigenous peoples' rights and the pursuit of positive impacts on the lives of indigenous peoples. A key challenge in this regard is to assess progress in implementation, which could serve to identify gaps, needs and challenges and to inform policies and interventions. In developing a framework for such work, the elements to be taken into consideration include:

(a) The basic assumptions informing the framework, including the compatibility of International Labour Organization (ILO) Convention No. 169 and other human rights instruments with the Declaration;

(b) The identification of adequate indicators;

(c) The availability, generation and disaggregation of data;

(d) The existence and establishment of mechanisms that could sustain such a framework.

2. At its eighth session, in 2009, the Permanent Forum issued a recommendation for the Inter-Agency Support Group on Indigenous Peoples' Issues to convene an international technical expert seminar on indicators of the well-being of indigenous peoples to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (see E/2009/43, para. 33).

3. In response to that recommendation, ILO, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the secretariat of the Permanent Forum on Indigenous Issues jointly organized the technical expert meeting on 20 and 21 September 2010 at ILO headquarters in Geneva.

4. The aim of the meeting was to take stock of the various efforts to develop indicators and generate data on the situation of indigenous peoples and to discuss the main features of an integrated assessment framework, so as to assist actors at the local, national and international levels in their efforts to assess progress in implementing the Declaration. A total of 48 participants attended the workshop, including:

(a) Members of the Inter-Agency Support Group, including field staff and experts on data, statistics and human rights monitoring;

(b) The Special Rapporteur on the rights of indigenous peoples and members of the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples;

(c) Members of United Nations treaty bodies;

(d) Institutions, Governments and individual experts with particular experience or involvement in the monitoring of indigenous peoples' rights and well-being;

(e) Regional indigenous networks.

5. By the end of the meeting, the participants had agreed on a short text reflecting the conclusions and recommendations. The full report of the meeting is available on the web page of the tenth session of the Permanent Forum.[1] Birgitte Feiring was the rapporteur of the meeting.

II. Conclusions and recommendations

6. At the meeting, the participants were informed about the many valuable initiatives taken by indigenous peoples, Governments and United Nations agencies on indicators and data collection for assessing the implementation of indigenous peoples' rights. Experiences generated through the monitoring of human rights and labour rights in general were shared, in order to inspire the specific work on indigenous peoples' rights. The participants acknowledged the importance of these experiences, which were discussed and analysed to draw lessons and inform the way forward. The key conclusions of the discussions are set out below.

A. General principles

7. The United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 (ratified by 22 countries) are compatible and complementary, and provide the common normative framework of indigenous peoples' rights together with key human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

8. There is no single institutionalized mechanism for monitoring the implementation of the Declaration, but many existing mechanisms and processes undertaken by States, indigenous peoples and the United Nations system contribute to providing quantitative and qualitative information on its progressive application.

9. A common assessment framework should be outlined in order to enhance coordination, complementarity and synergies, and facilitate the assessment of implementation. The framework should not replace but rather strengthen the many existing efforts by outlining a comprehensive and coherent approach, with illustrative indicators, possible data sources and linkages to relevant institutionalized mechanisms.

10. The framework should reflect the full range of rights enshrined in the Declaration and ILO Convention No. 169, in addition to the "deficit-oriented" approach applied in many countries to document the social, political and economic gaps between the indigenous and non-indigenous sectors of society.

11. The framework should be developed in partnership with indigenous peoples, to reflect their visions and ensure their full participation in the operationalization and use of the framework, including in community-led assessment processes.

[1] See http://www.un.org/esa/socdev/unpfii/en/session_tenth.html.

12. The framework should be developed with a view towards ensuring its operational feasibility, taking into account regional and national differences, the low capacity of many institutions, the need to scale up promising experiences and the cost implications of suggested approaches.

13. The suggested approach includes the involvement of multiple and diverse actors and institutions who, in most cases, will have little or limited capacity and knowledge of indigenous peoples' rights or the technicalities associated with indicators, statistics and data generation. Substantial capacity-building efforts are therefore needed to ensure that all parties can contribute, including indigenous peoples, Government institutions concerned with data generation and statistics, and United Nations and donor agencies.

B. Indicators

14. Conceptually, the framework should be inspired by the OHCHR methodology for identifying structural, process and outcome indicators, to enable an assessment of (a) international commitments, domestic legislation and administrative regulations and institutions; (b) efforts undertaken to make rights effective through institutional arrangements, budgetary allocations and projects and programmes; (c) the actual result of such efforts, for example, in terms of life expectancy, health and well-being.

15. The framework should provide a list of illustrative, flexible indicators that can be adapted to regional, country and local contexts and to the diversity of indigenous peoples, including the diversity within indigenous communities, in particular with respect to age and gender. In addition to defining specific indicators to capture the collective aspects of indigenous peoples' rights, the framework should include, to the extent possible, indicators that can be informed by common data sources and disaggregated to specify the situation of indigenous peoples.

C. Data collection

16. A common framework will allow all parties to progressively contribute data to be used in the overall assessment of the implementation of indigenous peoples' rights. It should thus enable the accommodation of both qualitative and quantitative data, as well as data generated through censuses, surveys and administrative registers together with case studies, and information generated in community-led processes.

17. In parallel to the collection of disaggregated data and data related to specific indigenous peoples-related indicators, existing data collections should be reviewed to assess whether they could be used in a creative way to inform the assessment of the implementation of indigenous peoples' rights.

D. Mechanisms

18. The framework should indicate bridges to the broader human rights framework as well as links to existing institutionalized supervisory mechanisms (United Nations treaty monitoring bodies, United Nations specialized mechanisms, the ILO

supervisory system and other international instruments and processes relevant to indigenous peoples). The contributions of these mechanisms to the monitoring of indigenous peoples' rights are absolutely crucial, as they will provide qualitative assessments and recommendations with direct implications for States.

19. For disaggregated demographic and socio-economic statistics, national statistics bureaux will need to be involved, with the engagement of the Statistics Division, in particular with regard to expansion into regions that have not previously included indigenous identifiers in national data-gathering processes.

20. Efforts should be made to encourage and enable indigenous peoples to undertake their own processes of assessing the implementation of their rights at the local, national, regional and international levels. Such processes will inform indigenous peoples' own decision-making and enable them to feed quality information into existing mechanisms, including United Nations treaty monitoring bodies, ILO supervisory mechanisms and such specialized United Nations mechanisms as the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum, and into poverty reduction strategies, poverty reduction strategy papers, common country assessments and United Nations Development Assistance Framework processes and other national policies and strategies.

21. ILO, OHCHR and the secretariat of the Permanent Forum, in collaboration with the Inter-Agency Support Group, are requested to continue developing an integrated assessment framework for indigenous peoples' rights, based on the key conclusions of the technical expert meeting. Recognizing that further technical work and capacity-building for international and national agencies and indigenous peoples are vital for the development and adequate application of a coherent assessment framework, Governments and donors are encouraged to support these efforts by making resources available.

22. Lastly, ILO, OHCHR and the secretariat of the Permanent Forum are requested to present the report of the technical expert meeting and an update on the progress towards an integrated assessment framework at the tenth session of the Forum, in 2011.